

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5679 OF 2024

Jabeen Feroz Shaikh

.. Petitioner

Versus

Mavani Bibi Fatima Yusuf

.. Respondent

...

Mr. N. P. Bhavsar for Petitioner.

None for Respondent.

...

CORAM : SANDEEP V. MARNE J.

DATE : 2 JULY 2024.

P.C. :-

1) The challenge in the Petition is to the Order dated 17 February 2024 passed by the Appellate Bench of the Small Causes Court at Bandra, Mumbai in Miscellaneous Appeal No. 141 of 2022 confirming the Order dated 7 September 2022 passed by the Small Causes Court, rejecting the Application filed by the Petitioner for temporary injunction under Order 39, Rule 1 and 2 r/w Section 151 of the Civil Procedure Code, 1908.

2) I have heard Mr. Bhavsar, the learned counsel appearing for the Petitioner and have considered his submissions. There is no dispute to the position that the licence granted in pursuance of the agreement has expired on

19 November 2021. Since the licensee is not subsisting, the Petitioner, who is merely a licensee in respect of the suit premises does not have any right to remain in possession of the suit premises. In my view, therefore, no *prima facie* case was made out for grant of any temporary injunction in favour of the Petitioner. The Small Causes Court has rightly rejected the application for temporary injunction. The Order passed by the Appellate Bench dismissing the Appeal does not suffer from any grave error. Writ Petition, being devoid of merits, is dismissed without any order as to costs.

[SANDEEP V. MARNE J.]