

Santosh

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

WRIT PETITION NO. 13199 OF 2024

Wasi Ahmed Ali Ahmed Khan ...Petitioner

Versus

Prasanna Bai Kanakraj Palrecha and ors. ...Respondents

Mr. Ali Delhiwala, a/w Yashwant Dhanegave and
Harshvardhan Borse, i/b Amanchi Legal and Co., for
the Petitioner.

Mr. Rohit Sakhadeo, for the Respondent No.7.

CORAM: N. J. JAMADAR, J.

DATED: 26th MARCH, 2025

ORDER:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 26th June, 2023 passed by the learned District Judge, Thane, in Misc. Civil Appeal No.66 of 2022, whereby the appeal preferred by the petitioner against an order passed by the learned Civil Judge on 9th April, 2022 in Special Civil Suit No.274 of 2021, rejecting the application for *status quo*, came to be dismissed.
3. The learned District Judge found no error in the exercise of discretion by the learned Civil Judge.

4. The petitioner has instituted the suit on the premise that he has perfected title by adverse possession. Both the Courts below have recorded *prima facie* finding that the petitioner is not in possession of the suit property.

5. The learned Counsel for the petitioner made an endeavour to persuade the Court to hold that the findings recorded by the Courts below are perverse in the sense that they have been recorded without taken into consideration the documents, which were produced by the petitioner.

6. Evidently, the claim of possession is based on an unregistered sale deed, purportedly obtained from a person whose title to the said property itself was imperfect. In these circumstances, in exercise of supervisory jurisdiction, this Court does not find any justifiable reason to interfere with the concurrent *prima facie* findings of the fact that the petitioner is not in the possession of the suit property, especially when the challenge is to an order declining to grant *status quo*.

7. Petition stands dismissed.

[N. J. JAMADAR, J.]