

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2003 OF 2024

IN

FIRST APPEAL NO. 237 OF 2024

Smt. Diwaliben B. Rathod (Deleted, since deceased)
and Others

...Appellants

Versus

Ranjan Suryaprakash Hansora alias Rathod and
Others

...Respondents

*Mr. Noman Jafri i/b Mr. Mohsin Panjwani for the Appellant.
Mr. S. S. Redekar for Respondent Nos. 1 and 2.
Mr. Satyajeet P. Dighe for Respondent No. 4.*

Coram : Sharmila U. Deshmukh, J.

Date : 15th April, 2025.

P. C. :

1. Interim Application has been preferred seeking stay of the execution of the impugned judgment and order dated 1st December, 2023. By the impugned judgment, the suit of the Plaintiff was dismissed and therefore, there is no question of staying the effect, execution and operation of the impugned judgment and Decree.
2. Perusal of the prayers in the Plaint would indicate that the Plaintiff is claiming right in the permanent alternate accommodation on the basis of being occupier of the suit premises.

3. There is no declaration of ownership rights sought which is also evidenced from the Court fees clause in the Plaint which values the suit for the purpose of injunction at Rs. 1,000/-. The findings of the Trial Court indicates that the Plaintiff has failed to prove that she was the occupier of the premises at the time when the premises were redeveloped. There is specific finding of the Trial Court that Defendant No. 1 is the occupier. *Prima facie* from the findings, no perversity can be demonstrated. As the Defendant No. 1 is in occupation of the permanent alternate accommodation, the balance of convenience is in favor of Defendant No. 1.
4. In view thereof, no interim relief could be granted to the present Appellants.
5. Interim Application stands dismissed.

[Sharmila U. Deshmukh, J.]