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

**INTERIM APPLICATION NO.788 OF 2025
IN
FIRST APPEAL NO.181 OF 2025**

Kusum Charudatta Shriyan & Ors.Applicants/Appellants.

V/s.

Prabhab Arun Siddha & Anr. Respondents

Mr. Sanjay Kadam a/w Ms. Sayalee Rajpurkar i/b Kadam & Company, for the Applicants/Appellants.

Mr. Vasantkumar Takke for Respondent No.1.

Mr. Asutosh Shukla for Respondent No.2.

CORAM : M. M. SATHAYE, J.

DATED : 1st DECEMBER 2025

P.C.:

1. Heard learned Counsel for the parties.
2. The Applicants are Original Plaintiff and the Respondents are Original Defendants. The suit was filed seeking declaration and permanent injunction in respect of the suit property.
3. The case of the Respondents/Defendants is based on a will executed by the common ancestor – Anandibai. The case of the Defendants is of exclusive ownership under the said will. The Applicants/Plaintiffs are claiming through the Original Plaintiff-Chrudatta, who claims right to the suit property as a surviving lessee.
4. Learned Counsel for the Applicants invited this Court's attention to Issue nos. 1 and 2, under which the Trial Court has held that Smt. Anandibai

was not entitled to dispose of the suit property by Will and that she was also not absolute owner of the suit property. He submits that during the pendency of the suit, the interim injunction was operating in favour of the Applicants restraining the Respondents from transferring or assigning any right in the suit property and further restraining them from obstructing and/or disturbing the Applicants' possession. The order dated 12/12/2006 passed by this Court in the Notice of Motion No. 3888 of 2006 in Suit No. 3191 of 2006, confirmed on 08/11/2011 is relied upon.

5. In essence, there is dispute between the parties about leasehold rights granted by the Municipal Corporation. The Appeal is admitted and Cross Objections are directed to be heard alongwith the Appeal.

6. Having heard learned counsel for the parties and considering the nature of the controversy, relationship between the parties and findings of the Trial Court and further considering the interim order existing between parties in the Trial Court, **this Application is allowed** by directing that the interim order dated 08/11/2011 passed by this Court which was operating between the parties during the pendency of the suit, shall continue to operate during pendency of the appeal.

7. The Interim Application is disposed of in above terms.

(M. M. SATHAYE, J.)