

Vaibhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.48 OF 2025

WITH

INTERIM APPLICATION NO.1263 OF 2025

IN

CIVIL REVISION APPLICATION NO.48 OF 2025

Sangeeta Vinod Singh @

Sangeeta Trilochan Patel @ Singh

...Applicant

Versus

Shri Hemant Bhikhubhai Dalal

And Ors.

...Respondents

Ms. Rama Subramanyam i/b Sarika C. Tripathi, for the Applicant.

Mr. R. R. Tiwari, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 29 JANUARY 2025

P.C.:

1. By a separate Order passed today i.e. on 29th January 2025, the Civil Revision Application No.47 of 2025 challenging the Order dated 3rd October 2024 passed by the learned Judge of the Small Causes Court at Mumbai below Exhibit-38 in Execution Application No.89 of 2021 in R.A.E. & R. Suit No.372/894 of 2002 is dismissed.

2. This Civil Revision Application is concerning the shop premises.

3. The learned Appellate Court while dismissing the Appeal filed by the present Applicant has observed that the documents which the Petitioner has produced claiming independent right, title and interest

are either in the name of the original tenant or the documents bearing the date after the passing of the decree and therefore, the obstructionist has failed to show her independent right, title and interest.

4. It has been further observed that in view of the law laid down by the Supreme Court in the decision of *Silverline Forum (P) Ltd. v. Rajiv Trust*¹, if the obstructionist *prima facie* fails to show her independent right, title and interest then the obstructionist Application can be dismissed without recording the evidence and on the basis of available documents.

5. Accordingly, no case is made out for interference in the impugned Order.

6. The Civil Revision Application is dismissed, however, with no order as to costs.

7. In view of the dismissal of Civil Revision Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]

¹ AIR 1998 SC 1754