

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

INTERIM APPLICATION NO. 7315 OF 2025

IN

FIRST APPEAL NO. 859 OF 2025

Gorima Alamsab Shaikh W/o.

Alamsab Shaikh and also Known

As Gauribai

V/S

Walkeshwar Chandanabala Co-

Operative Housing Society Ltd. & Anr.

....Applicant

....Respondents

Mr. S. S. Redekar i/b. Ms. B.R. Mangale for the Applicant.

Mr. Mayank Bagla a/w. Mr. Swapan Samdani for the Respondents.

CORAM : M. M. SATHAYE, J.

DATED : 14th NOVEMBER 2025

P.C.:

1. Heard learned counsel for the parties. Perused the record.
2. The Applicant is Appellant/Plaintiff in Short Cause Suit No.2807/2022 which is filed for injunction to restrain Respondents from obstructing Applicant's possession over suit premises without following due process of law. The said suit is dismissed by impugned judgment and decree passed by the City Civil Court, Mumbai dated 28.03.2025.
3. There is no dispute that during pendency of the Suit, the matter had traveled up to the Hon'ble Supreme Court and parties were directed to maintain status quo under order dated 20.09.2024. Learned counsel for the Applicant has pointed that under order dated 16.04.2025, interim relief has

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been continued by this Court.

4. Learned counsel for the Respondent – Society contended that the Applicant, claiming to be in possession of suit premises as ‘sweeper’, cannot continue to occupy the suit premises, in view of two notices dated 15.06.2018 and 31.01.2020 where under it is clearly stated and informed that her service is already terminated since May, 2012. It is submitted that the suit premises are nothing but a structure made by the Applicant during her employment as ‘sweeper’. It is contended that under the said two notices the Applicant was called upon to vacate from the suit premises, but she did not comply.

5. I have considered the submissions. The only issue involved in the present suit is whether Applicant can be protected by an order restraining Respondents from dispossessing her, without following due process of law. Admittedly there is no counter claim or independent suit filed by the Respondent-Society seeking possession from the Applicant.

6. Reliance is placed by learned counsel for the Respondent Society on a judgment of ***A. Shanmugam V/s. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam Represented By Its President etc. [Supreme Court-Civil Appeal Nos. 4012-4013 of 2012]*** of the Hon’ble Supreme Court, where a ‘watchman’ occupying part of suit premises was directed to hand over possession on finding that the ‘watchman’ or ‘care taker’ or ‘servant’ employed to look after the property, can never acquire interest irrespective of long possession.

7. It is rightly pointed out by the learned counsel for the Applicant that in the facts of the said case, the Defendant – Society had filed suit for

recovery of possession during pendency of the proceedings. In the present case, there is no claim made by Respondent Society seeking possession from the Applicant.

8. In such situation, continuation of long standing *status quo* cannot be denied during pendency of the appeal. It is material to note that Trial Court has observed in the impugned judgment that the Applicant is found in possession of the suit premises.

9. The Application is accordingly **allowed and disposed of** by directing that during pendency of the appeal, both parties shall maintain status quo that was in existence during the pendency of the suit, under order dated 20.09.2024 of the Hon'ble Supreme Court.

(M. M. SATHAYE, J.)