



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

26 RPF/8/2025

In

FA/967/2023

BOMBAY SOCIAL SERVICES MUMBAI AND ORS.

VS

**AHMED HAJI MOHAMMED TERAJ (DELETED AS PER O.DT.20TH
JULY,2016) GULSEHRA AHMED TERAJ AND ORS.**

Adv. Yatin S. Khochare i/b. Adv. Bharat Joshi for petitioners.

Adv. Akshay Patil a/w. Adv. Arshaan Lentiw ib/ M/s. K. Ashar & Co.
for respondent no.4.

CORAM : RAJESH S. PATIL, J.

DATE : 10 FEBRUARY 2026.

P.C. :

1) The applicant claims to be a licensee of the suit premises. The applicant had earlier filed a suit to declare them as a tenant of the suit premises. That suit of the applicant was dismissed by judgment and order dated 9/6/2006. The appeal carried against the said judgment and order was also dismissed, so also, the Civil Revision Application filed before this Court was dismissed.

2) The respondents have, thereafter, filed the suit for injunction against the present applicant before the City Civil Court at Bombay.

The said suit was decreed by an order dated 18/8/2022 thereby the present applicant (original defendant therein) was restrained by an order of perpetual injunction from entering upon or remaining in the suit plot or from obstructing the possession of the plaintiff over the suit plot in any manner whatsoever.

3) The said judgment and order passed by the City Civil Court at Bombay has been challenged by way of First Appeal before this Court being First Appeal No.967 of 2023 along with the First Appeal, Interim Application seeking stay to the execution of the judgment and decree passed by the City Civil Court was filed.

4) By an order dated 11/4/2023, the Single Judge of this Court (Coram : P. K. Chavan, J.) rejected the application for stay sought by appellants. The said order reads as under :-

. Heard learned Counsel for the applicants for some time.

2 Though a prayer is made to stay the execution and implementation of the impugned judgment and decree dated 18th August, 2022 passed by City Civil Court, Mumbai in Suit No. 574 of 2007, a copy of an order passed by the Additional Chief Judge, Small Causes Court, below Exh.4 in Appeal No. 429 of 2006 in RAD Suit No. 3984 of 1989 is annexed, which is not under challenge in view of the prayer.

3 Learned Counsel for the respondent has invited my attention to the fact that the appellant has been consistently held not a tenant of the subject matter of the Appeal by the appellate bench of the Small Causes Court being RAD Appeal No. 429 of 2006 and by a Civil Revision Application No. 427 of 2013 of this Court.

4 As such, no case is made out for grant of any interim relief hence, the application is rejected.

5 List the Appeal under the caption “for Direction” **in the week commencing from 26th June, 2023.**

5) The First Appeal was thereafter admitted by an order dated 16/7/2024. The applicant, later filed an application seeking **recall** of the order dated 11/4/2023 passed by the Single Judge of this Court, (Coram: P. K. Chavan, J.) rejecting the interim application seeking stay of the impugned judgment and decree.

6) The said interim application seeking recall came before the Single Judge of this Court (Coram : Sharmila U. Deshmukh, J.) and by an order dated 20/9/2024, learned Single Judge of this Court considering the Report of the Registrar (Judicial-I), adjourned the matter. The applicant thereafter withdrew the said **recall** application and filed the present Review Petition.

7) The interim application of the applicant seeking stay to the judgment and decree is already decided by reasoned order dated 11/4/2023. Learned counsel for the applicants could not show me any sufficient ground to entertain the present application. Hence, the Review Petition stands **dismissed**.

(Rajesh S. Patil, J.)