

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.33 OF 2026
WITH
INTERIM APPLICATION NO.222 OF 2026

Abdul Gani Iftekhar Ahmed Khan

.. Appellant

Versus

Iftekhar Ahmed Nawab Ali Khan And Ors.

.. Respondents

- Ms. Aditi S. Naikare, Advocate i/by Sandeep Sharma for Appellant.

CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2026

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Ms. Naikare, learned Advocate for Appellant.
- 3.** Present Appeal from Order is assailing ad-interim order dated 18.10.2025 appended at page No.45. No purpose whatsoever will be served by keeping present proceedings pending in this Court since Trial Court is seized with with hearing of the Notice of Motion in the month of June as informed by Ms. Naikare.
- 4.** My attention is drawn to the impugned order which *prima facie* records that parties before Trial Court in the suit proceeding are relatives. Defendant Nos.1 and 2 are the father and brother of Plaintiff. It is seen that the subject matter of controversy and litigation is a shop premises which sells Chinese food which is nomenclatured by

name of M/s. Mezban Only Chinese. *Prima facie* learned Trial Court after perusing the documents has opined that suit premises is not standing only in name of Plaintiff and considering relation between Plaintiff and Defendant, Plaintiff is not the sole licensee of the suit structure and therefore ad-interim injunction is refused.

5. Ms. Naikare has drawn my attention to the documentary evidence appended from page No.34 onwards of the Appeal from Order which is Shops and Establishment license, Udyam Registration Certificate, MSME Certificate, F&DA, Maharashtra State Registration Certificate, FSSAI license and electricity bill of Adani Company. She would contend that if all these documents are seen, name of owner reflected therein apart from the name of establishment is that of Plaintiff - Abdul Gani Iftekhhar Ahmed Khan only.

6. After perusing the documents, I agree with the submissions made by Ms. Naikare and she is correct. *Prima facie* observation in the impugned ad-interim order is therefore not correct. Thus refusal of ad-interim relief in such a situation where name of Plaintiff is shown and appearing as owner / proprietor of M/s. Mezban Only Chinese on the license and in the Government documents ought to have been considered appropriately by the Trial Court.

7. However considering the fact that learned Trial Court is now seized with the hearing of Notice of Motion finally, no purpose

whatsoever will be served by keeping this Appeal from Order pending in this Court. Hence, impugned order is directed not to be acted upon. Further in view of the impugned order, no coercive steps will be taken against the suit premises which is a shop establishment wherein Plaintiff is running a Chinese food business until the Notice of Motion is heard finally by Trial Court.

8. Defendants are directed not to harass and disturb the business and possession of the suit shop premises of Plaintiff. All contentions will be heard when Notice of Motion is decided finally by the Trial Court. All contentions are kept open. In that view of the matter, learned Trial Court is directed to expedite the hearing of Notice of Motion which is still on draft stage in Suit No.2397 of 2025. Copy of this order and Appeal from Order shall be served on Defendants for their information by Ms. Naikare.

9. It is clarified that this Court has not given any imprimatur on merits of the matter and the Notice of Motion shall be determined strictly in accordance with law.

10. With the above directions, Appeal from Order is disposed. In view of disposal of Appeal from Order, pending Interim Application is also disposed.