

IN THE COURT OF SMALL CAUSES AT MUMBAI

Order Below Exh.9
In
RAD SUIT NO.188 of 2018

Smt.Summaiya Ibrahim Kamani

..Plaintiff

Versus

Smt.Choghule Shabirabi Ahmed and ors.

.. Defendants

Mr.Sajjad H.Patel, Advocate for Plaintiff.

Mr.J..I.Kazi, Advocate for Defendant No.3.

Coram: Smt. S. R. Shinde, Judge.
C.R.No.17,
Date: 21.02.2018

ORDER :-

1. Perused the application. This is plaintiff's application for interim relief of injunction restraining defendant No.3 from interfering and/or dispossessing the plaintiff from the suit premises.
2. Plaintiff's advocate pressed for ad-interim relief in terms of prayer stated above. On perusal of the plaint, it transpires that the defendant No.3 is authorized officer of Kokan Mercantile Co.Operative Bank Limited. When the matter was taken up for hearing of Exh.9, the advocate for defendant No.2 suo motto appeared and undertook to file reply to injunction application tomorrow on 22.02.2018. On perusal of the plaint, it is clear that the suit property has been mortgaged to defendant No.3 by one Mr.Ibrahim Ahmed Choghule. In such a situation, I do not find it would be just and proper to pass any prohibitory order in this regard against defendant No.3 Bank without giving opportunity to contest. Hence, I pass following order.

ORDER

(1) Defendant No.3 is called upon to file say to the application for interim relief of injunction.

(2) Hearing of present application is kept on 22.02.2018 i.e tomorrow.

Mumbai

C.R.No.17

Date :- 21.02.2018

Order dictated on:- 21.02.2018

Order transcribed on:- 21.02.2018

Order checked & signed on:- 21.02.2018

(Sangita R.Shinde)

Judge

(S.R.Shinde)

Judge

