

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

ORDER BELOW EXHIBIT 12

IN

SUIT NO. 406 OF 2014

Kurla Malayalee Samajam

...Plaintiff.

V/s.

M/s. Rajesh & Associates & Anr.

...Defendants.

Appearances:

Ld. Adv. Mr. Bobade for the plaintiff.

Ld. Adv. Mr. Ansari for defendant No.2 and 7.

Ld. Adv. Mr. Subramanya for defendant No.1 and 3 to 6.

None present for defendant No.8.

CORAM : HIS HONOUR JUDGE
SHRI SADRUDDIN A. QUAZI
(C.R.No.04).

DATED : 31st October, 2018.

-: ORAL ORDER :-

1. Heard the learned Advocate of the plaintiff as well as learned Advocate of the defendants. In this application the plaintiff has requested to frame additional issue as to whether the defendant No.2 and 7 prove that the sanction order dated 19.12.1988 was granted to the defendant No.7's firm.

2. It appears that the defendants No.2 and 7 have pleaded that they are in possession of the suit property and in support of thereof, they are citing the said sanction dated 19.12.1988. Such a plea has been taken by the defendant NO.2 and 7 in the suit, which is filed for injunction restraining the defendants from dispossessing the plaintiff from the suit property without following due process of law.

3. The issues have already been framed. The question is whether the proposed issue is required to be framed. On examining the submissions of both the parties, I find answer to this question in negative. As observed herein earlier the suit is simplicitor for injunction, in which the plaintiffs are required to prove their possession by adducing their evidence. The defendants would adduce evidence in rebuttal. If they could not adduce evidence in rebuttal, they would face the legal consequences thereof. From this point of view, I do not find that the issue as proposed by the plaintiff in exhibit-12 is required to be framed. Hence, this application fails and accordingly, I pass the following order.

-: **ORDER** :-

The application at exhibit-12 is hereby rejected.

(SADRUDDIN A. QUAZI)

Judge, (C.R.No.4)

City Civil Court, Gr. Mumbai

Date : 31.10.2018.

Dictated on : 31.10.2018.

Transcribed on : 31.10.2018.

Signed on : 01.11.2018.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

01.11.2018, at 5.18 p.m.

UPLOAD DATE AND TIME

Tushar P. Kuwar

[NAME OF STENOGRAPER]

Name of the Judge (With Court room no.)	HHJ Shri S. A. Quazi Court Room No.4
Date of Pronouncement of Judgment/order	31.10.2018.
Judgment/order signed by P.O. on	01.11.2018.
Judgment/order uploaded on	01.11.2018.