

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12313 OF 2025
WITH
INTERIM APPLICATION NO.12314 OF 2025
IN
FIRST APPEAL (ST) NO.31676 OF 2025

Shamim Ahmed Hafizulla Siddiqui and Anr. ...Applicants

In the matter between:-

Shamim Ahmed Hafizulla Siddiqui and Anr. ...Appellants

V/s.

Mohd. Iqbal Ali Mohd. Wadia and Ors. ...Respondents

Mr.Girin N. Pandit a/w Mr.Aaditya G. Pandit:-	Advocates for Applicants/ Appellants.
Mr.Shobhit Shukla:-	Advocate for Respondent No.1.
Mr.Satyajeet P. Dighe:-	Advocate for Respondent Nos.2 and 3.

CORAM : S. M. MODAK, J.

DATE : 13th OCTOBER 2025

P. C. :-

1. Heard learned Advocate for Applicants/Defendant Nos.3 and 4, learned Advocate for Respondent No.1/original Plaintiff and learned Advocate for Respondent Nos.2 and 3/Mhada.

2. It is true, the Court of City Civil as per the judgment dated 9th July 2025 has dismissed the suit of the Plaintiff. It is in respect of

seeking a declaration about the status of the Plaintiff and about entitlement to the premises. Whereas the Applicants contend that they were in possession of the premises when it was handed over to Mhada as per the vacation notice.

3. The trial Court has dismissed the suit of the Plaintiff, at the same time, given findings about the status of Defendant Nos.3 and 4 while answering the issue No.9. They intend to challenge the findings by way of Appeal. There is a delay.

4. Learned Advocate for Respondent No.1/Plaintiff also submitted that his client is in the process of filing an Appeal. It is true that there are findings about the status of these Applicants which are challenged in this Appeal. It is true always an Appeal lies against the decree. At the same time, a party to the suit is having a right to challenge the findings which is against him. This is what provided in Order 41, Rule 22 of the Code of Civil Procedure, 1908 (“CPC”). At this stage, Court is not deciding this issue.

5. Stand over to **11th November 2025.**

6. Even the parties are at liberty to think of an option of settlement through Mediation.

[S. M. MODAK, J.]