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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1 OF 2026
WITH
INTERIM APPLICATION NO. 3 OF 2026
IN
APPEAL FORM ORDER NO. 1 OF 2026

Isratjaha Gulam Kadir Shaikh

.. Appellant

Versus

Nateshwar Co-operative Credit Society Limited
and Ors.

.. Respondents

-
• Mr. Devendra B. Shukla, Advocate for Appellant.

.....
CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 05, 2026.

P.C.:

1. Heard Mr. Shukla, learned Advocate for Appellant.
2. In the present Appeal From Order, the impugned order is appended at page No.9. It is dated 27.12.2025. By virtue of the said order, urgency and leave was rejected for filing the Suit in the vacation and no order was passed on the draft Motion.
3. However, learned Trial Court has expressed its opinion that there is a cloud on the subject matter and the jurisdiction of the Court to try and entertain the Suit. Hence the Court has rejected the plea of Appellant / Plaintiff to register the Suit in the vacation. Grievance in the Suit is with respect to taking over possession of the Suit property namely Room No.24 which is in possession of Appellant.

4. The impugned orders dated 05.08.2022 and 10.02.2023 of the Magistrate directing taking over the possession are appended at page No.162 of the Petition. After perusing the same and considering the fact that these orders were passed in 2022 and 2023 and interim orders were passed in the interregnum by the Magistrate, the impugned orders shall stand stayed for the present.

5. This Court shall consider the plea of Appellant regarding jurisdiction of the Court and only thereafter appropriate orders shall be passed.

6. Mr. Ketan Joshi, learned Advocate practicing in this Court Court (Mobile No.9970007787) is directed by this Court to assist the Court in this matter through the Legal Aid and apprise the Court on the issue of jurisdiction. The High Court Legal Aid Services Committee of this Court is directed to give appointment letter to Mr. Joshi forthwith on the basis of a server copy of this order. Copy of the present Appeal From Order and Interim Application shall be handed over to Mr. Joshi by Mr. Shukla.

7. Mr. Joshi is directed to go through the Appeal From Order and apprise the Court about jurisdiction of the Trial Court qua the pleadings on the next date.

8. Stand over to **22nd January 2026.**

9. In the meanwhile, no coercive steps shall be taken in respect of subject Room No.24 of the Appellant in view of the impugned order.

[MILIND N. JADHAV, J.]

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