

IN THE COURT OF SMALL CAUSES, AT MUMBAI

ORDER BELOW EXHIBIT - 27

IN

R. A. E. SUIT NO. 936 OF 2023

Mr. Jaykumar Himmatlal Dani & Anr. Plaintiffs.

V/s.

Mr. Ashesh Manikant Shah & Ors. Defendants.

**Coram : A. J. Fatale,
Vacation Judge,
C. R. No. 11**

Date : 15.05.2025

ORDER

Matter is taken on board by the plaintiffs and filed present application for granting temporary injunction against the defendant Nos. 1 and 2 restraining them from parting with possession or creating any kind of third party interest in the suit premises.

2. Heard advocate for plaintiffs Mr. Yogesh Rane. It is argued by the advocate for plaintiffs that the defendant Nos. 1 and 2 want to create third party interest in respect of the suit premises. If the defendant Nos. 1 and 2 create third party interest in the suit premises, then, plaintiffs will be suffered loss.

3. On perusal of record, it appears that the suit is fixed for framing issues on 10.07.2025. The plaintiffs have filed the suit for eviction and possession of suit premises against defendants No. 1 to 4 on the ground of reasonable and bona fide requirement, non-user of the

suit premises by the defendant Nos. 1 and 2 and the defendant Nos. 1 and 2 have unlawfully sublet the suit premises to defendant Nos. 3 and 4, etc. as more particularly mentioned in the suit. Suit appeared to be proceeded ex-parte against Defendant Nos. 3 and 4. Defendant Nos. 1 and 2 have filed their written statement vide Exhibit 9 and admitted that they are tenants in respect of the suit premises. But the Defendant Nos. 1 and 2 have denied that they are not in exclusive possession of the suit premises and they have illegally inducted defendant Nos. 3 and 4 in the suit premises as alleged by the plaintiffs. Defendant Nos. 1 and 2 have also denied that they have any intention of parting the possession of suit premises to any third party. They have specifically stated in their written statement that they have given their undertaking that until disposal of the suit, they shall neither carry out any additions and alterations nor part with possession to third party of the suit premises. There are no such facts on record that the object of granting injunction would be defeated by the delay. In such circumstances, issue notice to the defendant Nos. 1 and 2 as to why temporary injunction should not be granted against them as sought by the plaintiffs on P. F., returnable on 09.06.2025.

[A. J. Fatale]

Vacation Judge, C. R. No. 11

Court of Small Causes, Mumbai.

Date : 15.05.2025