

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Webber Commercial Properties, LLC v. Mama Vagne Enterprises, Inc., Md Zahirul Haque Bhuiyuan, Shar Faraj, Syed S. Alam, and Tammana C. Ahmed

Webber Commercial Properties · No. 6D2025-0396 · Decided May 1, 2026

SUMMARY

The Sixth District Court of Appeal of Florida affirmed portions of a nonfinal order concerning summary proceedings for possession. It dismissed for lack of jurisdiction the challenge to the portions addressing the determination of rents, holding that such an order was not among the nonfinal orders appealable under Florida Rule of Appellate Procedure 9.130(a)(3).

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Stargel, J.; White, J.; Kamoutsas, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	May 1, 2026
DOCKET	6D2025-0396
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a nonfinal circuit-court order concerning Appellant's summary proceedings for possession and Appellees' motion to determine rents.
PRECEDENTIAL VALUE	published
PARTIES	Webber Commercial Properties, LLC v. Mama Vagne Enterprises, Inc., Md Zahirul Haque Bhuiyuan, Shar Faraj, Syed S. Alam, Tammana C. Ahmed

TOPICS

- interlocutory appeal
- appellate jurisdiction
- appellate procedure
- commercial litigation
- real estate

PRACTICE AREAS

- appellate procedure
- civil procedure
- real estate
- commercial litigation

QUESTIONS PRESENTED

1. Whether the nonfinal order concerning the summary proceedings for possession should be affirmed.
2. Whether the appellate court had jurisdiction under Florida Rule of Appellate Procedure 9.130(a)(3)(C) (ii) to review the portion of the nonfinal order addressing Appellees' motion to determine rents.

HOLDINGS

1. The portions of the nonfinal order addressing Appellant's summary proceedings for possession were affirmed.
2. The court lacked jurisdiction to review the portions of the nonfinal order addressing the motion to determine rents because that order was not among the nonfinal orders enumerated in Florida Rule of Appellate Procedure 9.130(a)(3), including the provision for orders determining the right to immediate possession of property.

KEY QUOTATIONS

“Appeals to the district courts of appeal of nonfinal orders are limited to those that . . . determine . . . the right to immediate possession of property.” (at 1)

“[T]he categories of non-final orders subject to interlocutory appeal are narrowly construed.” (at 1)

“AFFIRMED in part; DISMISSED in part.” (at 2)

FACTUAL BACKGROUND

The appeal concerned proceedings for possession of property and a motion by Appellees to determine rents. The circuit court entered a nonfinal order addressing both matters. The appellate court reviewed the appeal and treated the possession-related and rent-determination portions differently for appellate-jurisdiction purposes.

PROCEDURAL HISTORY

Webber Commercial Properties appealed a nonfinal order entered by the Circuit Court for Lee County. The appellate court affirmed the portions concerning the summary proceedings for possession and dismissed for lack of jurisdiction the challenge to the portions concerning the motion to determine rents.

DISPOSITION

other

CASES CITED

- Aqua Bay Luxury Apartments, Inc. v. Ivory at Bay Harbour, LLC, 406 So. 3d 1100, 1101 (Fla. 3d DCA 2025)
- Walker v. Fla. Gas Transmission Co., LLC, 134 So. 3d 571, 572 (Fla. 1st DCA 2014)
- Travelers Ins. Co. v. Bruns, 443 So. 2d 959, 961 (Fla. 1984)
- Greene v. Borsky, 961 So. 2d 1057, 1058-60 (Fla. 4th DCA 2007)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2025-0396 Lower Tribunal No. 2024-CA-
002863 _____ WEBBER COMMERCIAL PROPERTIES, LLC,
Appellant, v. MAMA VAGNE ENTERPRISES, INC., MD ZAHIRUL HAQUE BHUIYUAN,
SHAR FARAJ, SYED S. ALAM, and TAMMANA C. AHMED, Appellees.
_____ Appeal from the Circuit Court for Lee County.

Michael T. McHugh, Judge. May 1, 2026 PER CURIAM. Webber Commercial Properties, LLC appeals the trial court's nonfinal order on its summary proceedings for possession and Appellees' motion to determine rents. We affirm the parts of the order on Appellant's summary proceedings for possession without further discussion.

As to the challenge to the parts of the order on Appellees' motion to determine rents, we dismiss for lack of jurisdiction. See Fla. R. App. P. 9.130(a)(3)(C)(ii) ("Appeals to the district courts of appeal of nonfinal orders are limited to those that... determine... the right to immediate possession of property."); *Aqua Bay Luxury Apartments, Inc. v. Ivory at Bay Harbour, LLC*, 406 So.

3d 1100, 1101 (Fla. 3d DCA 2025) (dismissing for lack of jurisdiction the appeal of an order on a motion to determine rents because the order is not enumerated in rule 9.130(a)(3) and was not the basis for the issuance of the writ of possession); see also *Walker v. Fla. Gas Transmission Co., LLC*, 134 So. 3d 571, 572 (Fla. 1st DCA 2014) ("[T]he categories of non-final orders subject to interlocutory appeal are narrowly construed." (citing *Travelers Ins.*

Co. v. Bruns, 443 So. 2d 959, 961 (Fla. 1984))); *Greene v. Borsky*, 961 So. 2d 1057, 1058–60 (Fla. 4th DCA 2007) (Farmer, J., dissenting) (analyzing rule 9.130(a)(3)(C)(ii) and concluding that it applied only to orders determining the right to immediate possession of tangible personal property or real property, not to orders determining the amount of a debt).

AFFIRMED in part; DISMISSED in part. STARGEL, WHITE and KAMOUTSAS, JJ., concur. Brian D. Zinn, of Zinnlaw, PLLC, Fort Myers, for Appellant. Jack C. Morgan, III, of Aloia Roland Lubell & Morgan PLLC, Fort Myers, for Appellees, Mama Vagne Enterprises, Inc., MD Zehirul Haque Bhuiyuan, Syed S. Alam, and Tammana C. Ahmed. Matthew S. Toll, of Toll Law, Cape Coral, for Appellee, Shar Faraj.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF TIMELY FILED 2