

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.1407/2015

WRIT PETITION NO.1407 OF 2015

MAHEBOOBKHAN S/O DULLEKHAN DIED THROUGH L.R.s
AMJADKHAN S/O MAHEBOOBKHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Balaji S.Shinde

AGP for respondent State: Shri S.K.Kadam.

Advocate for respondent no.2: Mr. S.S.Bora.

...

CORAM : R. M. BORDE & SUNIL P.DESHMUKH, JJ.

Dated: February 04, 2015

...

PER COURT :-

1. The petitioner apprehends demolition of House bearing No.829 which is possessed by him in his capacity as a tenant. The petitioner tendered RCS No.24/2011 against Corporation praying for declaration of renewal of rent deed and for perpetual injunction. The suit has been dismissed by judgment and decree dated 12.7.2013. The petitioner presented an appeal challenging the judgment and decree passed by the trial Court in the month of August, 2013, which is stated to be pending. The petitioner is threatened with demolition of the structure and, as such, has rushed to this Court seeking interim protection.

2. Considering the facts and circumstances of this case, since the appeal presented by the petitioner in the District Court is pending, in order to enable the petitioner to secure appropriate orders from the District Court, we deem it appropriate to direct the

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

WP NO.1407/2015

respondents not to take any coercive action against the petitioner for a period of eight days from today.

The District Judge, before whom appeal is pending, shall decide the application for grant of interim relief on its own merit and in accordance with law. The District Judge shall not be influenced by the interim order passed by this Court in the instant petition while passing an order on an application presented by the petitioner claiming interim relief.

In the event of failure of petitioner to secure interim order, it would be open for the Municipal Corporation to proceed.

With the direction as above, the writ petition stands disposed of.

Parties to act upon authenticated copy of this order.

(SUNIL P.DESHMUKH, J.)

(R. M. BORDE, J.)

...