

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

APPEAL FROM ORDER NO. 184 OF 2015
WITH
CIVIL APPLICATION NO.236 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ditendra Mishra for the Appellant
Mr. Vinod Mahadik for Municipal Corporation

CORAM : K. K. TATED, J.
DATE : FEBRUARY 17, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Appellant, the matter is taken on board for urgent orders.

2. By this appeal, the Appellant original Plaintiffs challenge order dated 11/01/2015 passed by the Bombay City Civil Court, Mumbai declining to grant ad-interim relief in Notice of Motion No.176/2015. The Plaintiffs have filed the said Notice of Motion for the following reliefs:

“(a) Pending the hearing and final disposal of this suit, this Hon'ble Court be pleased to restrain the Defendants, its servants, agents and/or any other person acting on its behalf by an order and injunction from demolishing

and/or removing the suit premises i.e. suit premises admeasuring 20' x 40' ft. situated at Matang Samaj Mandir, Indira Nagar, Sainath Nagar Road, Ghatkopar (W), Mumbai – 400 086, the said premises is made up of iron frame and germane steel except due process of law;

(b) interim and ad-interim reliefs interms of prayer clause (a) hereinabove be granted.

(c)

(d)

(e)”

3. The learned counsel for the Appellant submits that yesterday and today the Respondent corporation demolished the entire suit structure and started new construction.

4. Considering the submissions made by the learned counsel for the Plaintiffs and the subsequent development that the corporation has already demolished the suit structure, nothing survives in the Appeal from Order. Hence, the Appeal from Order stands dismissed as infructuous.

5. In view thereof, Civil Application does not survive. Same stands dismissed as infructuous.

JUDGE