

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

APPEAL FROM ORDER NO. 807 OF 2014

Rameshchandra Jain @ Shah	... Appellant.
V/s.	
The Chief Officer, Mumbai Building and Repair & Reconstruction Board & Ors.	... Respondents

Mr. J.S. Kini i/b Suresh Dubey for the appellant.
Mrs. S. U. Deshmukh for respondent nos. 1 and 2.
Mr. Sanjeev Sawant with Abhijeet Deshmukh for the respondent nos. 3 and 4.
Mr. Vinod Mahadik for respondent no.5 Corporation.

**CORAM : K. K. TATED, J.
DATED : 13/01/2015.**

PC.:

. Heard learned Counsel for the parties.

2 This Appeal from Order is preferred by the original plaintiff challenging the order dated 25.02.2014 passed by the Bombay City Civil Court, Mumbai rejecting appellant's Notice of Motion. In the Notice of Motion appellant has made following prayers:

“a) That this Hon'ble Court be pleased to pass an order and injunction restraining the Defendant developer from carrying on any works of development in respect of the suit property, contrary to the orders passed by the Hon'ble High Court dated 05.11.2012 as well as the order dated 14.01.2013.

b) For ad-interim and interim reliefs in terms of prayer (a).

c) For such other and further reliefs as the facts

and circumstances of the case may require.”

3 It is the case of the appellant that the Respondent nos. 3 and 4 in violation of order dated 05.11.2012 as well as order dated 14.01.2013 carrying out development of the suit property. The said Notice of Motion dismissed by the Trial Court on the ground that appellant has already filed Contempt Petition no. 301 of 2013 for violation of order dated 05.11.2012 as well as order dated 14.01.2013. Hence, the Trial Court cannot pass any order.

4 Considering the reasons given by the Trial Court, as well as Contempt Petition filed by the Appellant is pending in this Court in respect of violation of two orders passed by this Court dated 05.11.2012 and 14.01.2013, I do not find any reason to interfere the well reasoned order passed by the Trial Court.

5 Hence, Appeal from Order stands dismissed.

6 The observations of this Court should not come in the way of Trial Court to decide the matter on its own merits.

(K.K.TATED, J.)