

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

**CIVIL APPLICATION NO. 1595 OF 2014
IN
FIRST APPEAL NO. 513 OF 2001**

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. Percy Sheriar Irani applicant no.3 party in person.

Ms. Eventa Gonsalves for the respondent.

CORAM : K. K. TATED, J.

DATED : 08/04/2015.

PC.:

. Heard applicant no.3 Percy Irani party in person and learned Counsel Ms. Gonsalves for the respondent.

2 This Application is preferred by the plaintiff for various reliefs directing defendants to remove structure relocated between passage of the tenanted premises as shown in photograph dated 06.03.2014, to remove the trees planted by them in open space of the suit premises as shown in photograph as Exh.8, to remove huge PVC water tank as shown in photograph no.9 and for other reliefs.

3 It is to be noted that in the present proceeding, initially the applicant plaintiff filed S.C. Suit No. 5887 of 1997 in the Bombay City Civil

Court, at Bombay restraining the respondent defendants from obstructing the applicant from installing the hoarding on the suit property. The prayer clauses (a) to (e) of the plaint read thus:

“a) That this Hon'ble Court be pleased to pass an order of permanent injunction restraining the Defendant her agents, servants and hirelings from obstructing the Plaintiffs or their agents from installing the advertisement suit Hoardings in Exh. H annexed herewith in the Plaintiffs' property on suit site behind Shop No. 1, 2, 3 of Plaintiffs' tenants on the Western edge facing Parsi Panchayat Road shown in Exh. A to the Plaint.

b) That pending the hearing and final disposal of suit the Defendants her servants, agents and hirelings be restrained from obstructing the plaintiff's or their agents from installing advertisement suit Hoardings in Exh. H annexed herewith in the Plaintiffs' property on suit site behind Shop No. 1, 2, 3 of Plaintiffs' tenants on the Western edge facing Parsi Panchayat Road shown in Exh. A to the Plaint.

c) That this Hon'ble Court be pleased to direct the police authorities of Jogeshwari Police Station, Jogeshwari (E) to give all assistance to the Plaintiffs to implement if any order is passed in terms of prayer (a) above;

d) That pending the hearing and final disposal of the suit, Ad-interim and interim relief in terms of prayers (b) and (c) above be granted;

e) For such other order and directions as this Hon'ble Court deems fit and proper as the nature and circumstances of the case may require;”

4 That suit was dismissed by the Trial Court by judgment and decree dated 17.11.2000.

5 Considering the prayer clauses in the plaint and in the present Civil Application, which is beyond the scope of present litigation. Hence, I do not find any substance in the Civil Application.

6 Hence, Civil Application stands rejected.

(K.K.TATED, J.)