

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

**APPEAL FROM ORDER NO.869 OF 2015
WITH
CIVIL APPLICATION NO.1064 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.G.C.Singh with Ms.Shweta I. Singh for the appellant

Mrs.M.R.Bhoir for the BMC

CORAM : K.K.TATED, J.
DATED : 22/07/2015

PC:

- 1 Not on board. At the request of Advocate for the appellant, matters are taken on board for urgent orders.
- 2 Heard the learned counsel for the parties.
- 3 Appellant plaintiff filed present Appeal from Order challenging the order dt.3.7.2015 passed by Bombay City Civil Court, Mumbai in draft Notice of Motion in L.C.Suit No.1669 of 2015 declining to grant ad-interim relief.
- 4 Bare reading of the impugned order it seems that the Corporation already demolished the structure twice. Not only that Corporation has issued notices to Sana Khan and Kalim Anwar who filed the Suit No.1668 of 2015 in respect of the

suit premises. In that matter, the court has refused ad-interim relief.

5 The learned counsel for the plaintiff relies on the judgment in the matter of *Sopan Maruti Thopte and Anr. vs. Pune Municipal Corporation and Anr.*¹ The said judgment is already considered by the Trial Court in paragraph 4 of the impugned order.

6 Considering these facts and the reason given by the Trial Court in paragraph 6, 7, 9 and 10, I am of the opinion that plaintiff has not made out any case for interfering with the order dt.3.7.2015. Hence, Appeal from Order stands rejected. In view thereof, nothing survives in the Civil Application. Civil Application is dismissed as infructuous.

(K.K.TATED, J.)

1 1996(2) ALL MR 383