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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.651 OF 2015
WITH
CIVIL APPLICATION NO.805 OF 2015

Ravinder R. Kurup & Anr.	..Appellants
V/s.	
Leena Hadkar & Ors.	...Respondents

Mr.A.C. Tripathi i/b Legal Point for the Appellants.

Mr.Pradip Kadam for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 27TH JANUARY, 2016.

P.C. :-

1. By this appeal from order the appellants (original plaintiffs) have impugned the order passed by the learned trial Judge on 9th July, 2014, dismissing the notice of motion filed by the appellants, *inter-alia* praying for injunction against the defendants.

2. A perusal of the order passed by the learned trial Judge indicates that after demise of Mrs.Shakuntala, of whom the appellant no.1 claims to be the husband, the defendant no.1 has already completed the formalities by executing the documents and obtained possession of the alternate premises in lieu of the suit premises. The suit structure is already demolished.

3. The learned trial Judge after considering the documents produced by the plaintiffs has *prima-facie* come to the conclusion that the plaintiffs were not in possession of the suit premises and thus has rightly refused to grant *ad-interim* order in favour of the plaintiffs. The plaintiffs have not applied for any prayer for reconstruction of the suit premises. If the plaintiffs have any independent right in the alternate premises allotted to the defendant no.1, the plaintiffs would be always at liberty to seek such appropriate relief by filing substantive suit. No interference is thus warranted with the impugned order passed by the learned trial Judge. The appeal is devoid of merits and is accordingly dismissed.

4. In view of the dismissal of the appeal from order, the civil application does not survive and is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)