

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

**APPEAL FROM ORDER (ST.) NO.3074 OF 2016
along with
CIVIL APPLICATION (ST.) NO.3078 OF 2016
in
APPEAL FROM ORDER (ST.) NO.3074 OF 2016**

Navnath Vishram Palande .. Appellant/Applicant
Vs.
Brihanmumbai Mahanagarpalika & Anr. .. Respondents

Mr.Karl Tamboly a/w Ms.Nandini Joshi i/by M/s.Harish Joshi & Co.
for the appellant/applicant.

Mr.A.V. Diwate for the respondent no.1-MMC.

Ms.Anjali Purav for the respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 2nd February 2016

P.C.

. By this appeal from order, the appellant has impugned the order dated 29th January 2016 passed by the learned trial Judge refusing to grant ad-interim injunction in the notice of motion filed by the appellant (original plaintiff) inter alia praying for an order and injunction against the respondents (original defendants) in any manner enforcing the notice being Exhibit "J" and/or dispossessing the plaintiff from the suit premises.

2. It is not in dispute that the contract awarded to the appellant by the respondent no.2 has expired in the month of March 2015. The appellant, however, was allowed to continue to perform the contract till fresh tender was invited and contract was awarded. It is not in dispute that the respondent no.2, thereafter, invited fresh tender. Pursuant to such invitation, the appellant also submitted his bid which has been rejected.

3. Learned counsel appearing for the respondent no.2 states that the entire bid process is complete and her client has already awarded the contract to the successful bidder and the said contractor had already taken over charge and commenced their work. In view of these facts, I am not inclined to interfere with the impugned order dated 29th January 2016 passed by the learned trial Judge. Appeal is devoid of merits and is accordingly dismissed. In view of dismissal of the appeal from order, civil application does not survive and the same is accordingly dismissed. No order as to costs.

4. Learned counsel for the appellant states that the appellant has to remove certain articles from the premises of the respondent no.2, a list whereof will be furnished to them by tomorrow. Learned counsel for the respondent no.2 submits that her client would permit the appellant to remove such articles which are allowed to be removed under the contract entered into between the parties immediately. Statement is accepted.

R.D. DHANUKA, J.