

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

**APPEAL FROM ORDER NO.466 OF 2015
along with
CIVIL APPLICATION NO.600 OF 2015**

Pune Municipal Corporation & Ors. .. Appellants
Vs.
Palm Grove Beach Hotels Pvt. Ltd. .. Respondent

Mr.Abhijit Kulkarni for the Appellants.
Mr.Girish Godbole a/w Ms.Loshika Bulchandani i/by Mr.K.D.
Abichandani for Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14th September 2016

P.C.

. By this appeal, the appellants (original defendants) have impugned the order dated 11th December 2014 passed by the 5th Joint Civil Judge, Senior Division, Pune allowing the application below Exhibit-5 filed by the respondent herein (original plaintiff) and granting injunction restraining the defendants from acting upon the stop work notice dated 15th September 2014 till the final disposal of suit.

2. Mr.Godbole, learned counsel appearing for the respondent, on instructions, states that the work is already completed and the occupation certificate is already granted by the appellants. Learned counsel appearing for the appellants does not dispute this position.

3. In view of the fact that the work is completed which is the subject matter of stop work notice dated 15th September 2014 and

occupation certificate has already been granted by the appellants to the respondent, the appeal has become infructuous. Appeal is accordingly disposed of. It is made clear that in so far as the demand made by the Municipal Corporation is concerned, the same shall be decided by the trial Court without being influenced by the observations, if any, made by the learned trial Judge in the impugned order and shall be decided on its own merits. In view of disposal of the appeal, civil application does not survive and is accordingly disposed of. No order as to costs.

R.D. DHANUKA, J.