

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
**APPEAL FROM ORDER NO.432 OF 2011 WITH CIVIL
APPLICATION NO.614 OF 2011 AND 755 OF 2011**

Ramchandra Jeevan Patil

.. Appellant

VS

B.M.C.

.. Respondent

Ms.Sheweta Dudhane h/f Mr.S.S.Redekar
for Appellant
Mr.A.V.Diwate for BMC

Coram: G.S.KULKARNI, J.

Date : 18TH APRIL, 2016.

P. C.

1. By an order dated 11th April 2011 while issuing notice to the respondent-Corporation this Court had directed the parties to maintain status-quo till 13th April 2011 in respect of the suit structure. It appears that the suit structure was demolished by the respondent-Corporation on 13th April 2011. This fact is recorded in order dated 15th July 2011 passed by this Court which reads thus :

“ The learned counsel for the appellant states that after order of status-quo was passed on 11th April 2011 by this Court, the Municipal Corporation has partly demolished his structure on 13.4.2011 . He states that the appellant has also filed Contempt Petition No.214 of 2011. In view of this, the present appeal be listed along with Contempt Petition on 11.8.2011.”

2. Learned counsel for the appellant states that Contempt Petition bearing No.214 of 2014 was filed by the appellant. It was also disposed of by this Court. In any event, the order impugned in the present appeal dated 8th April 2014 is an ad-interim order passed on a notice of motion filed by the plaintiff. Learned counsel for the appellant states that the notice of motion is still pending before the learned trial Judge,

3. In these circumstances, this appeal cannot be kept pending. Parties are required to appear before the trial Court in the pending notice of motion.

4. In view of the above observations, Appeal from order does not warrant any adjudication and is disposed of accordingly. Civil Application Nos.614 of 2011 and 755 of 2011 also does not survive and the same are accordingly disposed of.

(G.S.KULKARNI, J)

