

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

**APPEAL FROM ORDER NO.570 OF 2016
ALONGWITH
CIVIL APPLICATION NO.943 OF 2016**

Dastagir S/o Rehmatbi	.. Appellant/Applicant
Versus	
Babuddin S/o Rehmatbi and others	.. Respondents

Mr. P. K. Mishra for the Appellant/Applicant.

Mr. Mohidin for the Respondent No.1.

**CORAM : R.M. SAVANT, J.
DATE : 8th AUGUST 2016**

PC.

1 The above Appeal from Order takes exception to the order dated 04.05.2016 passed by the Learned Additional Principal Judge, City Civil Court, Mumbai, by which order, the application for ad-interim relief filed by the Appellant/original Plaintiff came to be rejected. The said rejection is on the ground that though the Appellant is the son of one Rehmatbi who has been shown to be entitlement to the allotment of permanent alternate accommodation in terms of Annexure-II. The Appellant has not disclosed the name of his father in the plaint. In so far as the Defendant No.1 is concerned, he has produced patch holder's card

issued by the Government of Maharashtra which shows the name of his father and has also obtained letters of administration from this Court after the death of said Rehmatbi. It is on the basis of the said material that the Trial Court rejected the application for ad-interim reliefs.

2 The Learned Counsel appearing on behalf of the Respondent No.1 who is the main contesting Respondent draw's this Court's attention to the letter dated 30.04.2016 issued by the developer Arihant Realtors which is a possession receipt of being handed over the premises in question to which Rehmatbi was entitled to in terms of Annexure-II. Hence, apart from the reasons mentioned in the impugned order, for the reason that the allotment and possession has already been made and handed over to the Respondent No.1 herein i.e. the original Defendant No.1, there is no merit in the above Appeal from Order. The same is accordingly dismissed. The said Possession Letter alongwith annexures thereto is taken on record and marked as "X" for identification.

3 In view of the dismissal of the Appeal from Order, the Civil Application does not survive and to accordingly stand disposed of.

[R.M. SAVANT, J]