

Sequeira

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

***CIVIL APPLICATION NO. 966 OF 2014
IN
APPEAL FROM ORDER NO. 804 OF 2014***

Shree Sidhivinayak Krida Mandal & ors. .. Applicants / Appellants
Vs.
Mumbai Housing and Area
Development Board & ors. .. Respondents

None for Applicants / Appellants.
Mr.S.P.Thorat, for Respondent No.1.

***CORAM: N.M. JAMDAR, J.
Saturday, 02 April 2016.***

P.C.:

The Application is taken out for seeking stay of the impugned order and for permanent alternate premises. The Application is filed on 6 August 2014 and Affidavit-in-reply is filed by Respondent No.3 on 10 February 2015 placing on record that the suit premises have been demolished and commencement certificate is also obtained by Respondent No.3. Copy of the panchanama, possession receipt and photographs have been annexed.

2. The Appellants challenge the order passed by City Civil Court, Mumbai dated 30 June 2014, vacating the ad-interim order granted earlier. In spite of the reply filed on 10 February 2015 i.e. one year back no rejoinder is filed. None appears for Applicants

when the matter is called out. There is no question of grant of stay to the impugned order which vacates the interim order granted earlier, in view of the subsequent demolition.

3. As regards the other prayers regarding permanent alternate premises, the suit is still pending and it will be open if available in law to the Applicants to make such prayer by taking out an appropriate Notice of motion. In the circumstances, no useful purpose will be served by keeping the Appeal and the Application pending on the file of this Court. The Appeal and the Application are accordingly disposed of.

(N.M.Jamdar, J.)