

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1042 OF 2010

Karthik Govardhan Shetty

.. Appellant

Vs

The State of Maharashtra

..Respondents.

Mr.P.J.Thorat for Appellant

Mr.,Rajan S.Pawar Assistant Govt.Pleader

for Respondent no.1

Coram: G.S.KULKARNI, J.

Date : 18TH APRIL, 2016.

P. C. :

1. This appeal challenges the order dated 21st August 2010 passed by the learned Judge, City Civil Court, at Bombay whereby Notice of Motion taken out by the plaintiff for injunctory relief was dismissed. After the matter was heard from time to time the State Government has now filed an affidavit of Shri Viridhawal Khade Tahsildar (Enc/Rem.) Borivali dated 10th February 2016 placing on record subsequent developments. The affidavit states that the respondent no.2-society which has been allotted the plot of land in dispute has now become owner of the said land by virtue of its allotment by the State Government. It is stated that entries in the Revenue Records are accordingly made in favour of respondent no.2-society, In view of this, it is stated that respondent no.1 would not act on the notice dated 10th February 2010 issued by him under section 3-Z-2 of The Maharashtra Slums Areas (Improvement, Clearance

and Redevelopment) Act, 1971 for removal of encroachment made by the appellant on CTS No.3B-2 admeasuring 25,000 sq.ft.

2. Grievance of the appellant in the suit before the trial Court was with regard to the legality of said notice dated 10th February 2010. Learned counsel for the appellant states that in view of the affidavit of Mr.Khade the Suit itself has become infructuous. Consequently, this appeal which arises out of an inter-locutory order also would not survive.

3. Appeal from order is accordingly disposed of.

4. L.C.Suit No.383 of 2010 would also not survive and the same also stands disposed of in view of the said statement made on behalf of the respondent-State of Maharashtra in said affidavit of Mr.Khade.

5. A copy of this order to be forwarded to the Registrar, Bombay City Civil Court, Bombay to be placed on the file of L.C.Suit No.383 of 2010.

(G.S.KULKARNI, J)

