

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

***APPEAL FROM ORDER NO.955 OF 2014
WITH
CIVIL APPLICATION NO.1161 OF 2014
IN
APPEAL FROM ORDER NO.955 OF 2014***

Mr. Naim Khan Mohammed Ali Khan

..Appellant

Vs.

The Municipal Corporation of Greater
Mumbai & Ors.

..Respondents

....

Mr. J. N. Jayale for the appellant .

Mr. A. V. Diwate for the respondent/BMC.

....

***CORAM : N.M. JAMDAR, J.
DATED : 22 MARCH 2016***

P.C.:

. The appellant challenges the order dated 8 August 2014 passed by the City Civil Court, Dindoshi refusing to grant ad-interim order in favour of the appellant. Appellant expired in the year 2014. There is no protection in this appeal. In the impugned order, the learned City Civil Judge has recorded that the structure is demolished after following due process of law. Therefore, in this appeal no relief as prayed for can be granted.

2. Mr. Jayale, learned counsel for the appellant submits that during pendency of the appeal, the structure is required to be

protected from encroachments. It is open to the appellant to take out notice of motion in that regard which will be considered on its own merits by the City Civil Court.

3. Appeal from order is disposed of. In view of disposal of the appeal, Civil Application does not survive and is accordingly disposed of.

(N.M. JAMDAR, J.)