

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

**CIVIL APPLICATION NO.322 OF 2013
IN
FIRST APPEAL NO.202 OF 2012**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mrs.Savina S. Bangera for the applicant

Mr.Ketan Joshi i/b Mr.S.A.Sawant for the respondent no.1

CORAM : K.K.TATED, J.
DATED : 19/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by the defendant for an order of injunction restraining the respondent plaintiff from creating any third party right, title and interest in respect of the suit structure i.e. pan shop admeasuring 0.880 sq.meters situated on between left corner of the entrance of the M/s.Cafe Golden Restaurant situated at 225, Kherwadi, Behrampade, Railway Gate No.1, Municipal ward No.HE/6410(31)7225/C.S.No. 341 of Kherwadi, Bandra (East), Mumbai 400051.

3 Yesterday, the matter was on board. At that time, learned counsel for the respondent made a statement that as on today the suit structure is not in existence. Same is already removed by the Mumbai Municipal Corporation. To ascertain the same fact, matter was adjourned for today at the request of advocate for the applicant.

4 Today the learned counsel for the applicant admits that the suit structure is not at site.

5 Considering these facts, I do not find any substance in the present Civil Application. Same is dismissed as infructuous.

(K.K.TATED, J.)