

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 155 OF 2014
WITH
CIVIL APPLICATION NO. 184 OF 2014**

Jayant Ramnath Bhandari ...Appellant
Versus
The State of Maharashtra & Anr ...Respondents

**AND
APPEAL FROM ORDER NO. 156 OF 2014
WITH
CIVIL APPLICATION NO. 185 OF 2014**

Dewoo Anantya Putran ...Appellant
Versus
The State of Maharashtra & Anr ...Respondents

Mr Ranjeet Thorat, Senior Advocate, with Aditi Naikare, i/b PJ
Thorat, for the Appellant in both the matters.
Mr AA Palkar, AGP, for Respondents Nos. 1 & 2-State.

CORAM: G.S. PATEL, J
DATED: 3rd July 2017

PC:-

Appeal from Order No. 155 OF 2014 & CA:

1. Mr Thorat in fairness states that the main Suit itself has been proceeding and is kept on 25th July 2017 for filing evidence.
2. At his request, the Appeal is dismissed as withdrawn. There will be no order as to costs.
3. The Civil Application does not survive and is disposed of as infructuous.
4. The Suit will be decided on its own merits uninfluenced by the observations in the order under Appeal.
5. Mr Thorat points out that by an order dated 15th October 2013 in Writ Petition No. 6546 of 2013 which was taken up with Writ Petition No. 8547 of 2013, a learned Single Judge of this Court (RV More J) while admitting the Petitions noted a statement made on behalf of the State Government that the structure in question had already been demolished. This is of relevance because the present Appellant/original Plaintiff was the Petitioner in Writ Petition No. 8546 of 2017 and that Writ Petition also pertained to the suit structure. The statement about the hut being demolished was disputed by Mr Pradeep J Thorat who appeared on that date. In view of this, the Court ordered a *status quo*. According to Mr

Thorat, that *status quo* is continued till date. The order of *status quo* must continue.

6. While, therefore, disposing of the Appeal, the order of *status quo* is continued pending the Suit.

Appeal from Order No. 156 OF 2014 & CA:

7. In view of the order in Appeal from Order no. 156 of 2014, this Appeal is also dismissed as withdrawn, and for the same reasons, with an order of continuance of the *status quo*.

8. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J.)