

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

**APPEAL FROM ORDER NO.391 OF 2016
WITH
CIVIL APPLICATION NO.503 OF 2016
IN
APPEAL FROM ORDER NO.391 OF 2016**

Mohammed Kallu Ibrahim Shah ...Appellant/Applicant
Versus
The Municipal Corporation
of Greater Mumbai ...Respondent

Mr.Virendra Tripathi i/b Mr.C.K. Tripathi for the
Appellant/Applicant.

Mr.Sunil Sonawane a/w Mrs.M.M. More for the Respondent-MCGM.

CORAM : M. S. SONAK, J.

DATE : 24 MARCH 2017

P.C.

1. Mr.Virendra Tripathi, who holds for Mr.C.K. Tripathi applies for an adjournment on the ground that Mr.C.K. Tripathi is unwell and therefore not available today.

2. Normally, upon such a request, an adjournment would have been granted. However, it is noticed that the challenge in this appeal is to the order dated 06-02-2016 made by the learned Trial Judge declining interim relief to the appellant.

3. Till date, there is no interim relief granted by this Court in the Appeal. Mr.S.K. Sonawane, the learned Counsel for MCGM places on record a report dated 10-03-2017 along with photographs which indicate that the suit structure, in respect of which, interim relief was applied for, has been demolished. He submits that such demolition has taken place on 10-01-2017.

4. In the aforesaid situation, nothing really survives in this appeal. No useful purpose would be served by granting any further adjournment in this matter. Accordingly, the appeal is disposed of. The Civil Application does not survive and the same also disposed of.

5. It is however, clarified that nothing in the impugned order shall influence the learned Trial Judge, at the stage of disposal of the main suit. The disposal of the main suit shall be on its own merits and in accordance with law.

(M. S. SONAK, J.)