

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO. 14810 OF 2017
WITH
CIVIL APPLICATION (ST) NO. 14812 OF 2017

Guruprasad Industrial Canteen Contractors,
through Prop. Gopal Ramhandra Balgi ...Appellant
Versus
The Board of Trustees of Port of Mumbai & Anr ...Respondents

Mr Ranjit Thorat, Senior Advocate, i/b Pradeep Thorat, for the
Appellant.
Mrs Madhuri More, for the Respondent-MCGM.

CORAM: G.S. PATEL, J
DATED: 21st June 2017

PC:-

1. Mr Thorat for the appellant agrees that so long as the Mumbai Port Trust moves in accordance with law, including in execution of a decree, and does not threaten forcible dispossession of the appellant, which it has not yet done, the appellant has no grievance and particularly not in respect of any proceedings the Mumbai Port Trust may have taken against other parties whether they be tenants or obstructionists.

2. This clarification is sufficient to dispose of the appeal. The suit will proceed on its own merits unaffected by the order dated 4th April 2017 challenged in this appeal. It is noted, and this is also evident from the impugned order, that there is no dispute that the plaintiff is in possession of the premises in question.

3. The appeal is disposed of in these terms. The civil application is infructuous and disposed of as such. There will be no order as to costs.

(G. S. PATEL, J.)