

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO. 15193 OF 2017
WITH
CIVIL APPLICATION ST NO. 15194 OF 2017

Mohd Kallu Ibrahim Shah	...Appellant
<i>Versus</i>	
The Municipal Corporation of Greater Mumbai	...Respondent

Mr BP Shukla, for the Appellant.
Mr J Reis, Senior Advocate, with Mrs MM More, for the Respondent-
MCGM.

CORAM: G.S. PATEL, J
DATED: 10th July 2017

PC:-

1. The Appeal is directed against an order dated 16th May 2017 declining ad-interim relief and directing the Corporation to file a reply. It calls for no interference.

2. The Court found *prima facie* that it is the Plaintiff who had encroached the land that belong to a public body, the BEST.

3. The Appeal is dismissed as withdrawn. No costs.

4. The Notice of Motion will be decided on its own merits uninfluenced by the observations in the ad-interim order.
5. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)