

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO.16236 OF 2017
WITH
CIVIL APPLICATION (ST) NO.16352 OF 2017**

Hirabai Dattatraya Aree	...Appellant
<i>Versus</i>	
Integrated Spaces Ltd	...Respondent

Mr Dhananjay Chavan, i/b Sachin Talekar, for the Appellant.
Mr Bipin Jain, for Respondent No.1.

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

PC:-

1. There is no reason to interfere with the ad-interim order of 16th June 2017 declining ad-interim relief. During arguments before the Court, the Plaintiff produced copy of an order passed by the Deputy Collector on 3rd May 2017. This showed that the Plaintiff and her son Dipak were jointly using Hut No.101. Her name was not included in the list of beneficiaries. In the plaint, the Plaintiff claims to be in possession of Hut No.7 and Hut No.101 is not adjacent to it. Hut No.7 was shown to be in possession of another person altogether whose name was on the eligibility list.

2. It is for these reasons that the learned Judge found no *prima facie* case in favour of the Plaintiff and declined to make an ad-interim order in her favour. I am informed that since then Hut No.101 has in fact been demolished.

3. The impugned order calls for no interference.

4. The Appeal is dismissed as withdrawn. In view of dismissal of the Appeal the Civil Application does not survive and is disposed of accordingly.

5. The Motion will be decided on its own merits uninfluenced by the ad-interim order.

(G. S. PATEL, J.)