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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1051 OF 2015
WITH
CIVIL APPLICATION NO.1292 OF 2015

Maruf Ahmed Khan	...Appellant
<i>Versus</i>	
The Union of India	...Respondent

Mr Anand Mishra, i/b AM Saraogi, for the Appellant.
Mr Vinay Dubey, i/b Suresh Kumar, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 19th June 2017

PC:-

1. The Appeal is directed against an order dated 21st July 2015 dismissing the Plaintiff's Notice of Motion. The Plaintiff sought to protect the structure against a notice issued by the Union of India through the Railways.

2. In paragraph 5 of the impugned order the learned Judge noted the conflicting addresses given by the Plaintiff and submission that previous encroachments including by the Plaintiff were removed in 2013, following which fresh encroachments came to be made.

3. There is no ground made out for interference. The Appeal is dismissed. There will be no order as to costs.

4. In view of this, the Civil Application does not survive and is disposed of as infructuous.

5. If possible, the Trial Court will give some priority to the hearing of the Suit having regard to the other commitments in that Court.

(G. S. PATEL, J)