

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 311 OF 2011

Municipal Corporation of Greater Mumbai	...Appellant
<i>Versus</i>	
Gunvantbhai Popatlal Mistry	...Respondent

Mrs Madhuri More, i/b RA Maladkar, for the Appellant-MCGM.
None for the Respondent.

CORAM: G.S. PATEL, J
DATED: 15th June 2017

PC:-

1. By the impugned order dated 26th April 2010, the Plaintiff's Notice of Motion was made absolute against the Defendant-MCGM restraining it from demolishing the Plaintiff's structure. The Suit was of 2009 as was the Notice of Motion. The MCGM appealed against the order. The Appeal was admitted on 19th April 2011. The trial proceedings were not stayed. Today, the Suit itself is at the stage of evidence.

2. No useful purpose will be served by entertaining this Appeal. The Appeal is dismissed but without any assessment on merits. There will be no order as to costs.

3. The Suit will be decided on its own merits uninfluenced by the interim order under Appeal.

(G. S. PATEL, J)