

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.337 OF 2015

IN

L.C. SUIT NO.3539 OF 2014

Pramod Vasant Patil

-vs-

The Municipal Corporation of Greater Bombay

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri N. B. Shukla, Advocate i/b Shri B. S. Shukla,
Advocate for appellant.
Ms Oorja Dhond, Advocate for respondent/BMC.

CORAM : A. S CHANDURKAR, J.

DATE : NOVEMBER 19, 2018

In this appeal the original plaintiff has challenged the order dated 30/12/2014 refusing to grant ad interim relief in favour of the appellant-plaintiff. In the Notice of Motion filed before the trial Court it was prayed that the respondent-defendant be restrained from demolishing the structure of the appellant.

Heard the learned counsel for the appellant. It can be seen that the trial Court has refused to grant ad interim relief principally on the ground that the plaintiff was unable to place on record relevant documentary material. That order has been passed on 30/12/2014. In the aforesaid facts and as there are no interim orders passed in this appeal, the Notice of Motion which is pending before the trial Court can be directed to be adjudicated on merits without being influenced by the observations made in the impugned order.

Accordingly this appeal is disposed of by passing the following order :

The trial Court shall decide the Notice of Motion taken out by the plaintiff seeking injunction so as to restrain the defendant from demolishing the suit structure on its own merits by the end of March 2019. The said Notice of Motion shall be decided on its own merits without being influenced by the observations made in the impugned order. The points raised in this appeal are kept open.

The Appeal from Order is accordingly disposed of.

All pending Civil Applications are also disposed of.

JUDGE