

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.332 OF 2015

Rabiya Hidayat Ali Siddiqui ... Appellant
Versus
The Municipal Corporation of
Gr. Mumbai & Ors. ... Respondents

Ms. Nita Solanki I/b. Kiran Jain & Co. for appellant
Mrs. Madhuri More, for respondent No.1.

CORAM : DR.SHALINI PHANSALKARJOSHI, J.

DATE : 17th September 2018.

Yogeshwar
Bhalchandra
Gokhale

Digitally signed by
Yogeshwar
Bhalchandra
Gokhale
Date: 2018.09.18
20:20:32 -0400

P.C.

Heard learned Counsel for appellant. This appeal is preferred against the order dated 27th January 2015 passed by the City City Court, Mumbai thereby refusing ad-interim relief in Notice of Motion No.101 of 2015 taken out in L.C.Suit No.42 of 2015.

2] The said ad-interim relief was sought against the notice issued issued by the Respondent Corporation for demolition of the suit structure on the ground that it was illegal and unauthorised structure. It is submitted by the Corporation that the structure

concerned is already demolished on 29th January 2015. In view thereof, this appeal itself has become infructuous and hence be dismissed. Learned Counsel for appellant controverts the said statement and submits that the suit structure is not yet demolished. Whatever it may be, Notice of motion is still pending before the trial court and both parties can agitate their respective contentions before the trial court. Appeal as such holds no merits and stands dismissed.

(Dr. Shalini Phansalkar-Joshi, J.)