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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.562 OF 2018
WITH
CIVIL APPLICATION NO.746 OF 2018**

Subhash Rajan Vaidyanathan	...	Appellant.
V/s.		
Municipal Corporation of Greater Mumbai	...	Respondent
Mr. Sushil Upadhyay, i/by Ashok M. Saraogi, for the appellant.		
Mrs. Madhuri More, for respondent corporation.		

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 14th SEPTEMBER, 2018.

P.C. :

- 1] Heard learned counsel for the appellant and respondent.
- 2] This Appeal is directed against the order dated 26.4.2018, passed by the City Civil Court, Mumbai, thereby refusing ad-interim relief, as sought by the appellant in the Draft Notice of Motion, in L.C. Suit No.222 of 2016, contending inter alia that the Officers of the respondent corporation are about to demolish the suit property.
- 3] The perusal of the order passed by the trial Court goes to show that the impugned notice dated 11.1.2016 is issued to the Secretary of the Society and not to the appellant himself. In view thereof, the trial Court has rightly held that the appellant has prima

facie failed to make out a case by showing that he is the lawful owner of the property for which impugned notice is issued. Moreover, there is issue of public project of road widening. In that view of the matter, no fault can be found, in the impugned order passed by the trial Court, refusing ad-interim relief.

4] The Notice of Motion is still pending, and therefore, the appellant can agitate his grievance in that Notice of Motion. So far as the impugned order passed by the trial Court refusing ad-interim relief, no interference is warranted. Hence the Appeal stands dismissed.

5] In view of dismissal of Appeal, Civil Application therein no more survives and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]