

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

**APPEAL FROM ORDER NO.809 OF 2014
with
CIVIL APPLICATION NO.972 OF 2014**

Yadunath Sahadur Prajapati ... Appellant
Vs.
State of Maharashtra
Through Controller (ENC & REM)
Bombay Suburban District & Ors. ... Respondents

**with
CIVIL APPLICATION NO.23 OF 2015
IN
APPEAL FROM ORDER NO.809 OF 2014**

M/s.Seven Star Developers ... Applicant

IN THE MATTER BETWEEN:

Yadunath Sahadur Prajapati ... Appellant
Vs.
State of Maharashtra
Through Controller (ENC & REM)
Bombay Suburban District & Ors. ... Respondents

Mr.J.G. Damani for the Appellant
Mr.Yogesh Dabke, AGP, for Respondent Nos.1 to 4 in Appeal

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: FEBRUARY 12, 2018**

P.C. :

1. in this appeal, the order dated 26.6.2014 passed by the City Civil Court at Dindoshi in draft Notice of Motion in S.C. Suit

No.1315 of 2014 thereby rejecting the ad-interim relief, is challenged.

2. Perused the impugned order. The appellant/plaintiff has filed the suit for specific performance under section 6 of the Specific Relief Act. The defendant is the State of Maharashtra. The trial Court has considered this and so also has mentioned that the suit premises is already removed and hence, nothing remains in the Motion and hence, refused the ad-interim relief.

3. In view of the above, I am of the view that the order of the trial Court does not require any interference. The appeal is dismissed accordingly. The trial Court to proceed with the Motion and also the Suit.

4. In view of the dismissal of the suit, nothing survives in the Civil Applications and the same are disposed of accordingly.

(MRIDULA BHATKAR, J.)