

vks

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

**APPEAL FROM ORDER (ST) NO.22058 OF 2018
WITH
CIVIL APPLICATION (ST) 22060 OF 2018
IN
APPEAL FROM ORDER (ST) NO.22058 OF 2018**

Rajesh Milkiram Sharma	...	Applicant
V/s.		
Municipal Corporation of		
Greater Mumbai	...	Respondent

Mr.A.M. Saraogi, for the the applicant.
Mrs. Madhuri More, for the Respondent Corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 24th AUGUST, 2018.

P.C. :

- 1] Not on board.
- 2] Upon mentioning, taken on today's board.
- 3] Heard learned counsel for the appellant and respondent.
- 4] This appeal is preferred against the order dated 25.07.2018, passed by City Civil Court, Mumbai, thereby rejecting the ad-interim relief, in the Notice of Motion No.2659 of 2018, in L.C.Suit No. 9462 OF 2018.
- 5] On the last date that is on 14th August, 2108, on the basis

of statement made by learned counsel for appellant that the structure in question is existing at the site, order of ad-interim relief was granted by this Court. However, today report of Assistant Engineer “L” Ward, is placed on record, by respondent Municipal Corporation, which states that the structure is demolished on 13.08.2018. The relevant photographs of the structure are annexed to the report. The report and the photographs are taken on record and marked “X” for identification.

6] Learned counsel for the appellant submits that according to instructions received by him, the structure is not demolished. However, considering the report of the Assistant Engineer and the photographs annexed thereto, it is clear that the structure is no more in existence. Therefore, the appeal has become infructuous and it stands dismissed accordingly.

7] It is made clear that all the contentions raised in the suit and the Notice of Motion are expressly kept open.

8] In view of dismissal of Appeal itself, Civil Application therein stands disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]