

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

**APPEAL FROM ORDER NO. 813 OF 2017
WITH
CIVIL APPLICATION NO. 1076 OF 2017**

Chairman/Secretary

Padmavati CHSL

V/s.

Rajesh Sanghvi & Ors.

... Appellant

... Respondents

- Ms.Fatima Bandawalla i/b. Mr.Raval Shah for the Appellant.
- Mrs.Madhuri More for Respondent-Corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the Appellant and learned counsel for the Respondent-Corporation.

2] This Appeal is preferred against the order dated 07/09/2017 passed by the Adhoc Judge, City Civil Court, Dindoshi, Mumbai, thereby granting ad-interim injunction in the form of direction that, the Respondent-Corporation shall not demolish the building unless the Corporation completes the due procedure of law. The said order of ad-interim injunction was granted till the next date and it was granted on the ground that the matter was not referred to the TAC Committee, as per the direction given by this Court in Writ

Petition No.1135 of 2014.

3] Now it is submitted that the matter is already referred to the TAC Committee. In view thereof, it would be appropriate that, as the Notice of Motion is already pending before the trial Court, the trial Court shall decide the Notice of Motion itself on the receipt of the TAC Committee Report. Ordered accordingly.

4] The Appeal therefore does not call for any interference, hence stands dismissed.

5] The undertaking, which is as per the direction of the trial Court, was to be furnished by the Appellant, that the parties, *i.e. plaintiffs if interested can reside in the same building, but the Corporation will not be held responsible for any unwanted incident which would be happened in future*, is continued till the decision of the Notice of Motion.

6] In view of disposal of the Appeal, nothing survives in the Civil Application, hence stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]