

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

**APPEAL FROM ORDER (ST.) NO. 33454 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 33455 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 33454 OF 2017**

Mohd Imran Khan s/o. Mohd Ibrahim Khan
v/s.

.....Appellant

Rutvij Joshi & Ors.

.....Respondents

Mr. Parvinder Sing Sethi for the appellant.

Mr. Akshay Bobade I/b. Nishant S. Vyas for R.No.5.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 26th MARCH, 2018.**

P.C. :-

. Heard Mr. Parvinder Singh, learned counsel for the appellant and Mr. Akshay Bobade, learned counsel for respondent no.5.

2. The appellant who was the plaintiff in the suit had filed Notice of Motion No.2690 of 2017 in S.C. Suit No.2117 of 2017 for stay of effect, implementation and operation of the results of the Elections held on 8th and 9th July, 2017 for the posts of Mumbai Pradesh Youth Congress.

3. The learned counsel for respondent no.5 has brought to my notice the statement made by the appellant/plaintiff and which was recorded by the learned Trial Judge in Roznama dated 21st August, 2017. A perusal of the Roznama reveals that the appellant/plaintiff had submitted that the election results were already declared.

4. In the light of above, it is evident that the relief sought by the appellant is rendered infructuous particularly when no ad-interim relief was operating in favour of the plaintiff/appellant.

5. In the light of above, I do not find any merits in the appeal. Appeal stands dismissed at the stage of admission. Civil Application does not survive in view of dismissal of the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)