

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1169 OF 2014
IN
SUIT NO. 2003 OF 2010**

Ramdev D Vishwakarma ...Plaintiff

Versus

The Principal, Holy Angel High School & Ors ...Defendants

Mr Omkar Khanvilkar, *with Drasti Jani, i/b M/s. Solicis Lex, for the Applicants/Defendants.*

Mr RY Sirsikar, *for the MCGM.*

CORAM: G.S. PATEL, J

DATED: 22nd November 2018

PC:-

1. The Motion is served. The Suit is for rejection of the Plaint under Order 7 rule 11 on the ground that the Suit property at CTS No. 6A, Village Malvani, next to Asmita Cooperative Housing Society has already been demolished and that possession has been delivered to the State of Maharashtra. There is also a panchnama drawn evidencing delivery of possession. This is stated in the Affidavit in Support. Photographs of the notice board show Survey No of the property and that it is in possession of the State Government.

2. Therefore, no cause of action can possibly survive in the Suit.
3. The Notice of Motion is made absolute in terms of prayer clause (a). No costs.
4. Consequently, the suit also stands disposed of.

(G. S. PATEL, J)