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

**APPEAL FROM ORDER (ST) NO.1413 OF 2019
WITH
CIVIL APPLICATION (ST) NO.1414 OF 2019**

Mustaq Adam Suliya and ors	...	Appellants.
V/s.		
State of Maharashtra and anr	...	Respondents

Mr. Suryakant Pise, for the appellants.
Mrs. madhuri More, for respondent corporation.
Ms.Tanaya Goswami, for the State.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 17th JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for the appellants and respondents.
- 2] This appeal is directed against the order dated 15th December, 2018, passed by the City Civil Court, Dindoshi, Goregaon, Mumbai, in Draft Notice of Motion in L.C.No.3672 of 2018, thereby refusing ad-interim relief as claimed by the appellants, for restraining respondent corporation from demolishing the suit structure without following due process of law.
- 3] According to appellants, they are in possession suit premises and running hotel in the said said premises and respondent is intending to demolish the same. However, as observed by the trial

Court, the photographs produced on record clearly go to show that the suit structure has already been demolished. In view thereof, the Notice of Motion has become infructuous. It was for the appellant to specifically show the existence of the suit structure when the Notice of Motion was filed. In the absence of any prima facie material like photographs etc., no fault can be found if the trial Court has rejected ad-interim relief. It is pertinent to note that the appellant has not even given clear description of the suit structure like the name of the Hotel, a vague statement is made and it is not supported with documentary evidence if any the appellants have can the Notice of Motion is yet pending.

4] No interference is warranted in the impugned order passed by the trial Court. The appeal, therefore, being without any merit, stands dismissed.

5] In view of dismissal of Appeal itself, pending Civil Application becomes infructuous and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]