

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

**APPEAL FROM ORDER NO.404 OF 2019  
WITH  
CIVIL APPLICATION NO.476 OF 2019  
IN  
APPEAL FROM ORDER NO.404 OF 2019**

Anthony Patrick Lewis ... Appellant  
Versus  
Dinu Pascoal Borneo ... Respondent

.....  
Mr. Jeetendra Ranawat I/b. Y. S. Singh for Appellant.

**CORAM** : M. S. KARNIK, J.  
**DATE** : 3<sup>rd</sup> JULY, 2019.

P. C.:

1. Heard learned counsel for the appellant.
2. In this Appeal the appellant impugned the order dated 20.03.2019 passed by the Trial Court. The Trial Court refused to grant any ad-interim relief in favour of the appellant. The appellant is the plaintiff before the Trial Court. It is the plaintiff's case that the defendant is encroaching and started construction activities on the land which belongs to the plaintiff. In support of his case that plaintiff is owner of the land, certain documents are relied upon. The Trial Court was of the opinion

that the plaintiff did not place anything on record to point out as to where and exactly at what location unauthorised construction activities are carried out by the defendant. The order refusing ad-interim relief was passed on 20.03.2019.

3. It is now pointed out by the learned counsel for the appellant that the defendant has filed a reply. The next date before the Trial Court is on 17.07.2019.

4. In this view of the matter and now as a reply is filed, the Trial Court is requested to consider the question of grant of ad-interim relief or otherwise on the next date as according to the appellant the construction activities on the land owned by him are going on in full swing.

5. The Trial Court is requested to decide the Notice of Motion itself expeditiously and preferably within six weeks from 17.07.2019. If the appellant produces sufficient materials, rough sketch of the location where the construction activities are going on, the Trial Court to consider the question of grant of ad-interim relief afresh on 17.07.2019 without being influenced by any of the observations made in the earlier order dated 20.03.2019.

6. With these directions, the Appeal is disposed of.

7. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of accordingly.

( M. S. KARNIK, J. )