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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.669 OF 2019
WITH
CIVIL APPLICATION NO.1540 OF 2019

Dayanand G. Bavakar	...Appellant
V/s.	
The Municipal Corporation of Gr. Mumbai & Ors.	...Respondents

Mr.M.A. Choudhari for the Appellant.

Ms.Shital Mane Tadke for the Respondent – MCGM.

CORAM : R.D. DHANUKA, J.
DATE : 11TH NOVEMBER, 2019.

P.C. :-

1. By an order dated 3rd May, 2019 passed by this Court, this Court has refused to grant any *ad-interim* relief. This Court in paragraph 3 of the said order recorded that the appellant original plaintiff) has admitted in his evidence that the photo pass produced by him was not related to the suit structure. After reading paragraph 16 of the impugned order passed by the learned Trial Court, this Court observed that the plaintiff has himself has admitted that the photo pass produce by him was not related to the suit structure. It is not disputed that the impugned structure is also demolished by the Municipal Corporation. In my view, nothing survives in this first appeal. The first appeal is accordingly dismissed.

2. In view of dismissal of the first appeal, Civil Application

No.1540 of 2019 for stay does not survive and is accordingly dismissed.

3. There shall be no order as to costs.

(R.D. DHANUKA, J.)