

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST.) NO. 15699 of 2019
WITH
CIVIL APPLICATION (ST.) NO. 15701 OF 2019

Mrs. Kali Punja Godariya

... Appellant

Versus

Mr. Kesari Bomanshaw Noble & Ors.

... Respondents.

.....

Mr. Sushil Upadhyay i/b. Mr.A.M. Saraogi for the Appellant.

Mr. Y. K.Maste i/b. Mr. N.B. Morojkar for Respondent No.1.

Mr. Arsh Misra i/b. M.V. Kini for Respondent No.7 -BEST.

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CORAM : A. S. GADKARI, J.**DATE : 26th NOVEMBER, 2019****P.C. :**

1. By the present Appeal from Order, the appellant has impugned the rejection of ad-interim relief by the learned Judge, City Civil Court, Mumbai in Notice of Motion No. 1574 of 2019.

2. The record indicates that, the Notice of Motion No. 1574 of 2019 is still pending for final adjudication on the file of the concerned Court. The appellant had filed the said Notice of Motion in the Suit No. 996 of 2019 and prayed for temporary injunction restraining the defendants, their agents and/or any other persons from causing any obstruction in the defendant No.7-Brihanmumbai Electric Supply and Transport providing necessary electricity supply to the premises of the appellant.

3. The record further indicates that, the status of the appellant in the suit premises is disputed by the respondents. The appellant has therefore filed a suit i.e. in the year 2014 before the Small Causes Court for declaration that, he is a tenant of the respondents in the suit premises. The said RAD suit is pending for final adjudication.

4. As noted earlier, the Notice of Motion filed by the appellant is still pending for final adjudication. Aggrieved by the discontinuation of electricity connection in the year 2017, the appellant has filed the present S.C. Suit No. 996 of 2019 and took out Notice of Motion No. 1574 of 2019 in April 2019. Perusal of record would clearly indicate that, the balance of convenience does not lie in favour of the appellant. No prima facie case is made out by the appellant. If ad-interim relief is refused in favour of the appellant, no irreparable loss, harm or prejudice would be caused to the appellant.

5. I find no merits in the Appeal. Appeal is accordingly dismissed.

6. In view of the dismissal of the Appeal, Civil Application (St) No. 15701 of 2019 does not survive and is accordingly disposed off.

(A. S. GADKARI, J.)