

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

APPEAL FROM ORDER (ST) NO.24323 OF 2017

WITH

CIVIL APPLICATION (ST.) NO.24325 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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None for the appellant

Mr.Rohit P. Sakhadeo for the respondent no.13 to 15

Mr.S.N.Gawade i/b M/s.Shree and Co. for the respondent no.1 and 11

**CORAM : K. K. TATED, J
DATE : APRIL 23, 2019**

P.C.:

. None for the appellant.

2 By this First Appeal, appellant original plaintiff is challenging the order dated 24.4.2017 passed by Civil Judge, Senior Division, Panvel below Exhibit- 5 in Special Civil Suit No. 239 of 2013 rejecting appellant's Application for temporary injunction restraining respondents from creating any

third party right, title and interest in respect of the suit property or carrying out construction on the property and further restraining defendant nos.13 to 16 from issuing any occupancy certificate or construction permission.

3 The learned counsel for the Respondent nos.1 to 11 submits that Trial Court by its order dated 6.2.2019 below Exhibits 1,59 and 61 in Special Civil Suit No. 239 of 2013 dismissed the Suit itself. He submits that in view of subsequent development, nothing survives in the present Appeal from Order. He placed on record photocopy of the order dated 6.2.2019. Same is taken on record and marked 'X' for identification.

4 As no one appeared on behalf of appellant when the matter was called out, Appeal from Order shall stand dismissed for non-prosecution.

5 In view thereof, nothing survives in the Civil Application. Same stands dismissed as infructuous.

(K.K.TATED, J.)