

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 171 OF 2021****WITH****INTERIM APPLICATION NO.1743 OF 2021**

Shaikh Ali Ahmed Ali and Ors.

... Appellants

V/s.

Municipal Corporation Of Greater Mumbai and Anr.

... Respondents

WITH**INTERIM APPLICATION (ST) NO. 15713 OF 2021****IN****APPEAL FROM ORDER NO.171 OF 2021**

Abdul Sattar Shaikh

... Applicant

V/s.

Shaikh Ali Ahmed Ali and Ors.

... Respondents

Mr.Amogh Singh, Advocate for the Appellants.

Mr.Ajay Kumar Singh, Advocate for Applicant in IAST/15713/2021.

Smt.Madhuri More, Advocate for Respondent-MCGM.

CORAM : A.S. GADKARI, J.**DATE : 7th September, 2021.****PC. :**

1. The present Appeal under Order 43 Rule 1 of the Code of Civil Procedure, is directed against the impugned Order dated 26th July, 2021, passed by the Trial Court in Draft Notice of Motion in L.C. Suit (St.) No.5290 of 2021, thereby refusing to grant ad-interim relief.

2. Smt. More, learned counsel appearing for the Respondent-MCGM,

on instructions submitted that, the building in question was fully thoroughly illegal and the same has been demolished by the Corporation on 5th, 6th and 7th of August, 2021. She submitted that, the Corporation has carried out demolition of 2nd to 5th floors with the help of Sir J.J. Marg Police Station. A Demolition Report dated 10th August, 2021 duly signed by Executive Engineer (Bldg. & Fact.), Designated Officer, 'E' Ward, is produced on record.

3. In view thereof, I find no merits in the Appeal.

Appeal is accordingly dismissed.

4. In view of dismissal of Appeal from Order, Interim Application No.1743 of 2021 and Interim Application (St.) No.15713 of 2021 do not survive and are accordingly disposed off.

[A.S. GADKARI, J.]

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