

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 428 OF 2021
WITH
INTERIM APPLICATION NO.3302 OF 2021
IN
APPEAL FROM ORDER NO. 428 OF 2021**

Suyog Telematics Limited ... Appellant
V/s.
The Assistant Municipal Commissioner and ors. ... Respondents

Mr.A. K. Ansari for the Appellant.
Smt.Madhuri More for the Respondent – MCGM.

CORAM : A.S. GADKARI, J.
DATE : 10th December 2021

PC. :

1. Appellant, by way of interim relief, has sought the police protection to the workers of the Appellant for carrying out the work of replacing the parts of the mobile Tower erected on the premises of Defendant No.3. Admittedly as of today, the Police department has not been made defendant / necessary party to the said Suit.
2. Perusal of the impugned order indicates that, the Trial Court has observed that, the Appellant has not filed a single document to show that, the workers of the Appellant had been to the said premises to do the work as alleged and his people were obstructed. That no photographs, police report

or panchanama etc. is filed on record. It is to be noted here that *prima facie* there is no material on record to show that, the workers of the Appellant are really being obstructed from carrying out their duties from repairing of mobile tower by any person in the locality. Even otherwise, by the impugned Order, the Trial Court has simply refused to grant ad-interim relief in favour of the Appellant.

3. I am of the opinion that, the Order passed by the Trial Court needs no interference by this Court.

Appeal being *dehors* of any merits is accordingly, dismissed.

In view of disposal of Appeal, Interim Application No.3302 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]