

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**Appeal from Order (A.O.) No. 1128 / 2015**

**Alongwith**

**Civil Application (CAA) No. 1403 / 2015**

**in**

**Appeal from Order (A.O.) No. 1128 / 2015**

Smt. Ganga Nakul Bhusari

... Appellant

**Versus**

Smt. Aarti Anant Rahate and Ors.

... Respondents

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Mr. Pradeep Thorat, Advocate for the Appellant.

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**CORAM : SANDEEP K. SHINDE, J.**

**DATE : 3<sup>rd</sup> JANUARY, 2022.**

**P.C.**

1. Pending Suit No. 1971/2014, Appellant (Plaintiff) sought interim relief in terms of prayer clause (a) and (b) of notice of motion, seeking directions to the Defendant No.2 i.e. Mumbai Building Repair and Reconstruction Board to place the Plaintiff in joint use and possession of temporary alternate accommodation in lieu of suit premises and permanent accommodation i.e. flat no. 912 alongwith Defendant No.1 AND to injunct Defendant No.3 M/s Vardhaman Developers Ltd. from

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executing any agreement for temporary alternate accommodation or permanent alternate accommodation in lieu of suit premises in favour of Defendant No.1. The learned trial Court vide order dated 6<sup>th</sup> August, 2015 declined both the reliefs.

2. Feeling aggrieved by that order, Plaintiff has filed an appeal before this Court.

3. Heard. Mr. Pradeep Thorat, learned Counsel for the Appellant. Perused the impugned order.

4. The learned trial Court upon appreciating the material on record, prima-facie held that the Plaintiff was not in possession of the suit premises.

5. In fact, the letter dated 27<sup>th</sup> March, 2014 issued by the Executive Engineer, MHADA would take care of Plaintiff interest, by which the Executive Engineer, MHADA has directed the developers (Defendant No.3) to hand over the keys of permanent alternate accommodation, subject to decision in the suit proceedings, instituted by the Plaintiff.

6. In consideration of the facts of the case, in my view, no interference is called for. As a result, the appeal from order is dismissed. Suit is expedited.

**(SANDEEP K. SHINDE, J.)**