

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.188 OF 2023

Tahir Nazir Shaikh ...Appellant
vs.
Mumbai Housing and Area Development Board
and Others ...Respondents

Mr. Rajesh Kachare a/w. Mr. Santosh Suryawanshi, for the Appellant.
Mr. Akshay Shinde, for the Respondent Nos. 1 and 2.

CORAM : N. J. JAMADAR, J.
DATE : MARCH 14, 2023

P.C.:

1. Heard the learned counsel for the appellant.
2. The appeal is directed against an order passed by the learned Judge, City Civil Court on 2nd March, 2023 whereby the prayer for ad-interim relief was not granted and the Notice of Motion stood adjourned to 17th March, 2023.
3. I have perused the impugned order.
4. The learned Judge has explicitly recorded that in the event the Presiding Officer of Court No. 6, on whose file the matter is pending, is not available, on the adjourned date, the learned Judge would himself hear the Notice of Motion.

5. Mr. Shinde, learned counsel for the respondents, on instruction, states that the steps which are required to be taken to demolish the suit premise, in any case, would not be complete by 17th March, 2023 and thus the apprehension about the action of demolition by the respondent by 17th March, 2023 is unfounded.

6. In view of the aforesaid statement, the appeal stands disposed with a request to the learned Judge, City Civil Court to make an endeavour to consider the prayer for ad-interim relief on 17th March, 2023 on its own merits and in accordance with law.

(N. J. JAMADAR, J.)