

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

**APPEAL FROM ORDER NO.1041 OF 2022
WITH
INTERIM APPLICATION NO.19758 OF 2022**

Maharashtra Housing And Area
Development Authority And Another ... Appellant
Versus
Satish Prabhulal Barot And Others ... Respondent

...

Ms. Sayali Apte, a/w. Ms. Shreya Shah i/b. Mr. P. G. Lad for Appellant.
Mr. Shivchand R. Mishra i/b. Narayan & Narayan for Respondent
Nos.1 to 6
Mr. Ashwin Sawlani, i/b. Mr. Chinmaya Acharya Respondent No.9.

...

**CORAM: SANDEEP V. MARNE, J.
DATE : 18 OCTOBER 2023.**

P. C.:

The challenge in the present Appeal is to the Order dated 18 August 2021 passed by the City Civil Court allowing Notice of Motion No.1486 of 2022. By its Order the City Civil Court has restrained the MHADA from taking action against Plaintiff in pursuance of notice dated 01 July 2021 and 12 May 2021.

2. The learned counsel appearing for Plaintiffs has already made a statement on 23 August 2023 that all the Plaintiffs have already vacated

the premises in their respective occupation.

3. Mrs. Apte, the learned counsel appearing for MHADA would submit that there are 03 occupants who are still occupying the premises in their occupation.

4. So far as the present Appeal is concerned, the order passed by the City Civil Court on 18 August 2021 is operational only in respect of 06 Plaintiffs. Since the learned counsel appearing for Plaintiffs has already made a statement that all 06 Plaintiffs have already vacated the premises in their respective occupation, nothing would survive for determination in the present Appeal.

5. If MHADA comes across any other occupant in possession in the premises other than 06 Plaintiffs, MHADA would be at liberty to take action for their eviction. So far as the Plaintiffs are concerned, the statement of their counsel about vacation of premises is recorded. Therefore nothing would survive in the present Appeal. Appeal is disposed of. Nothing survive in the Interim Application and it is also disposed of.

SANDEEP V. MARNE, J.

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