

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.371 OF 2023
WITH
INTERIM APPLICATION NO.4540 OF 2023**

Hemant Budhya Bujad	...	Appellant
versus		
Adani Electricity Mumbai Ltd. & Ors.	...	Respondents

Mr. C.K.Tripathi, for Appellant.

CORAM: N.J.JAMADAR, J.

DATE: 5 JUNE 2023

P.C.

1. Heard the learned Counsel for the Appellant.
2. This appeal is directed against the order dated 6 May 2023 passed by the learned Judge, City Civil Court, whereby the learned Judge declined to grant ad-interim injunction without providing an opportunity of hearing to the Respondents-Defendants. By a Notice of Motion in S.C.Suit No.1185 of 2023, the Appellant-Plaintiff had inter alia prayed for grant of injunction to restrain Defendant Nos.1 to 5 from granting any electricity connection to, install electric meter and laying any electric cable under or over the suit property or any part or portion thereof without consent of the Plaintiff or without following due process of law.
3. Having regard to the nature of the prayer, the learned Judge considered it appropriate to issue notice to the Defendants and hear them before considering

prayer for temporary injunction. The Notice of Motion, thus, came to be adjourned to 5 June 2023.

4. The learned Counsel for the Appellant fairly submits that in the intervening period, electricity connection has been provided at the suit property.

5. In the circumstances, since the Notice of Motion awaits adjudication before the City Civil Court, there is no propriety in entertaining the Appeal against an order of refusal to grant ad-interim relief.

6. Hence, the Appeal stands disposed with a request to the learned Judge, City Civil Court, to decide the Notice of Motion as expeditiously as possible.

7. It is hereby made clear that this Court has not entered into the merits of the matter and the learned Judge shall decide the Notice of Motion on its own merits and in accordance with law.

8. Interim Application No.4540 of 2023 also stands disposed.

(N.J.JAMADAR, J.)