

Sayali Upasani

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

**APPEAL FROM ORDER NO. 390 OF 2023
WITH
INTERIM APPLICATION NO. 4677 OF 2023**

Mrs. Kadambari Kamlesh Bhagat and ...Appellants
Others

Vs.

The Municipal Corporation of Greater ...Respondents
Mumbai R/C Ward and Others

Mrs. Yashashri Naik, for Appellants.

Ms. Smita Tondwalkar, for MCGM.

CORAM:- N. J. JAMADAR, J.

DATED:- 19th JULY, 2023

P.C.:-

- 1) Heard the learned Counsel for the parties.
- 2) The challenge in this Appeal is to an order dated 15th May, 2023, passed by the learned Judge City Civil Court in Notice of Motion No. 1647 of 2023 in L.C. Suit No. 1245 of 2023, whereby the learned Judge, City Civil Court declined to grant ad-interim relief.

- 3) The appellants-plaintiffs have instituted the suit, seeking to restrain the defendant-Corporation from implementing and/or acting in pursuance of the notice issued under Section 354 of the Mumbai Municipal Corporation Act, 1888 in furtherance of the report of Technical Advisory Committee dated 6th May, 2023.
- 4) As the learned Judge, City Civil Court declined to grant ad-interim relief, the appellants moved this Court in the instant Appeal. By an order dated 23rd May, 2023, the Vacation Court declined to grant ad-interim relief.
- 5) The Court is informed that in the intervening period the subject structure has been demolished.
- 6) In view of the above, nothing survives in this Appeal.
- 7) The appellants-plaintiffs are at liberty to seek appropriate reliefs in the Suit by carrying out necessary amendment in the plaint.
- 8) The Appeal stands disposed.
- 9) In view of dismissal of the Appeal, the Interim Application also stands disposed.

[N. J. JAMADAR, J.]