

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.770 OF 2023  
WITH  
INTERIM APPLICATION NO.15429 OF 2023  
IN  
APPEAL FROM ORDER NO.770 OF 2023

Estiyak A. Khan

....Appellant

Versus

The Competent Authority-5

Slum Rehabilitation Authority & Anr.

....Respondents

...

Mr. Ashwin S. Tripathi i/b Ms. Nilima Sarvagod, for Appellant/Applicant.

...

CORAM : SANDEEP V. MARNE, J.

DATE : SEPTEMBER 20, 2023

P.C.:

1. By this Appeal, the Appellant challenges order dated 17 August 2023 passed by the City Civil Court dismissing Notice of Motion No.3618 of 2022. The Motion is rejected essentially on the ground that Petitioner's eligibility in respect of the suit structure is yet to be decided by the Slum Rehabilitation Authority (**SRA**).

2 It appears that Appellant had filed application on 21 October 2022 for inclusion of his name in Annexure-II. The said application was disposed of by the Competent Authority-Slum Rehabilitation Authority on 16 November

2022 with a direction to the Appellant to file a fresh proposal. It appears that the fresh proposal has been filed by the Appellant on 31 August 2003. Appellant has alternate efficacious mechanism for deciding his eligibility with regard to the suit structure. Till his eligibility is decided, no injunction could have been granted by the City Civil Court in the pending suit. Even if Appellant's suit structure is demolished and subsequently he is found eligible he will be entitled to all rights in respect of the suit structure. Till the Appellant establishes his eligibility in respect of the suit structure, he cannot seek any protection from its demolition. The City Civil Court has rightly rejected the Notice of Motion for temporary injunction. There is no error in the order passed by the City Civil Court. The Appeal is accordingly dismissed without any orders as to costs.

3 In view of the disposal of the Appeal, the Interim Application also stands disposed of accordingly.

**(SANDEEP V. MARNE, J.)**