

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

**APPEAL FROM ORDER NO. 926 OF 2023
WITH
INTERIM APPLICATION NO.17221 OF 2023**

Mr. Mohammed Abdulhamid Patel ... Appellant
Versus
M/s. Cordcon Developers Private Limited And Limited ...Respondent

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Mr. Sagar Batavia i/by Mr. Angad Giri, for Appellant.

Mr. Bhushan Deshmukh a/w Ms. Kunjal Kakkad & Kunjal Upadhyay i/by Mr. Jayesh Vyas, for Respondent No.1.

Mr. Vijay Patil, for Respondent No.2 - SRA.

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CORAM : SANDEEP V. MARNE, J.
DATE : NOVEMBER 09, 2023.

P.C.:

1. The Appeal is filed challenging order dated 7 November 2023 passed by the City Civil Court refusing to grant ad-interim relief. Appellant-Plaintiff has instituted S.C. Suit No.3083 of 2023 against the Developer and SRA seeking an injunction not to demolish the suit structure without following due process of law. An order passed by the SRA on 27 May 2019 under provisions of Sections 33 & 38 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971, is apparently construed as a cause of action by the Appellant-Plaintiff for institution of the

suit. The order dated 27 May 2019 however, does not include the name of Appellant-Plaintiff. It is therefore incomprehensible as to how the Appellant-Plaintiff assumed that the SRA or developer are likely to demolish suit premises.

2. The learned counsel appearing for Appellant would submit that the suit structure does not figure in the order dated 27 May 2019 but the SRA and Developer may misuse order dated 27 May 2019 to demolish even the suit structure for not figuring in that order. This apprehension of the Plaintiff-Appellant appears to be completely misplaced.

3. Today Mr. Patil, on instructions from Mr. Vaibhav Gularkar, Naib Tahsildar, would make a statement that only the structures included in order dated 27 May 2019 would be demolished. Mr. Deshmukh, the learned counsel appearing for the Respondent No.1-Developer would also confirm this position.

4. In my view therefore no cause would survive for the Appellant-Plaintiff to maintain S.C. Suit No.3083 of 2023. In that view of the matter, the Appeal is disposed of. In view of disposal of Appeal, Interim Application does not survive and stands disposed of.

(SANDEEP V. MARNE, J.)