

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 355 OF 2024

WITH

INTERIM APPLICATION NO. 8491 OF 2024

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Mahapurush Baldeep Mandal Through Its ...Appellant/
authorized representative Mr. Pramod Varadkar ...Applicant

Versus

The Mumbai Municipal Corporation And Another ...Respondents

Mr. S.S. Redekar a/w. Mr. Rudra J. Kanekar, for Appellant/Applicant.
Mr. Santosh Parad for Respondent No.1/MCGM.

CORAM : M.M. SATHAYE, J.

DATE : 27th NOVEMBER, 2024

P.C. :

1. Heard learned counsel for the Appellant/Plaintiff and learned counsel for Respondent/Corporation. The appeal is filed against the impugned Order dated 06.04.2024 passed by Ad-hoc Judge, City Civil Court, Greater Bombay in Draft Notice of Motion No. 1344 of 2024, refusing ad-interim relief.

2. Learned counsel for the Appellant has fairly pointed out that after the impugned order was passed, the subject matter Welfare Centre has been sealed by Respondent-Corporation and thereafter, for a temporary period of about 2 months, it was allotted to a Ganpati Mandal. It is not disputed that the subject matter Welfare Centre is sealed, as on today.

3. He further submits that the necessary amendment is carried out in the pending motion praying for de-sealing of the premises.

4. The scope of present Appeal from Order cannot be expanded to consider disputed fact that has happened after the impugned order. Therefore, no purpose will be served keeping this Appeal from Order pending.

5. Hence, the Appeal from Order and pending interim application **are disposed of** by passing following order.

A) The impugned order is not interfered with.

B) The Trial Court is directed to consider the notice of motion including the amended prayer, on its own merits in accordance with law, without being influenced by the observations or rejection of the ad-interim relief under the impugned order.

C) Rival contentions of the all the parties are kept open.

D) Considering the fact that after refusal of ad-interim relief, the subject matter Welfare Centre was sealed, the Trial Court is requested to consider the amended motion as expeditiously as possible.

4. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)