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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 94 OF 2025
WITH
INTERIM APPLICATION NO. 1636 OF 2025**

Indian Airport Employees Union ... Appellant/Applicant
Vs.

Mumbai International Airport ... Respondent
Private Limited

Mr. Mihir Desai a/w. Ms. Rohini Thyagarajan, Ms. Pritha Paul and
Ms. Rishika Agarwal for the Appellant/Applicant.

Mr. Vikram Nankani, Senior Advocate a/w. Mr. Tejas Bhide for the
Respondent.

CORAM : GAURI GODSE, J.

DATE : 16th APRIL 2025

ORDER :

1. This appeal challenges refusal of ad-interim relief in a suit filed by the appellant. The appellant has filed the suit seeking declaration and injunction that the appellant should not be dispossessed without following due process of law. Notice of motion is still pending before the City Civil Court.

2. Learned senior counsel appearing for respondent submits that the written statement-cum-affidavit in reply has been filed in the City Civil Court. He therefore submits that the notice of motion can be heard finally by the City Civil court.

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3. In the meantime he submits that he has instructions to continue the statement that was made before this court and recorded in the order dated 7th February 2025. In view of the statement made on behalf of the respondent no further consideration would be necessary in this appeal.

4. The appeal is therefore disposed of by passing following order :

(i) The impugned order dated 6th February 2025 passed in Notice of Motion in S. C. Suit No. 286 of 2025 is quashed and set aside.

(ii) The Notice of motion in Suit No. 286 of 2025 shall be heard on its own merits uninfluenced by any observation in the impugned order or this order.

(iii) The rival contentions of the parties on merits are kept open.

(iv) The statement made on behalf of the respondent that they do not intend to take any immediate action for removal or demolition of the suit property shall continue during the pendency of the notice of motion. The statement made on behalf of the respondent is accepted as an undertaking to this court.

(v) Parties shall co-operate for early disposal of the notice of motion and shall not seek unnecessary adjournments.

(vi) Appeal is disposed of in the aforesaid terms.

(vii) In view of the disposal of the appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]