

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.508 OF 2025

Amarnath Laltaprasad Dubey ...Applicant
Versus
Thane Municipal Corporation Thr. Commissioner ...Respondent

WITH
INTERIM APPLICATION (STAMP) NO.28085 OF 2025
IN
CIVIL REVISION APPLICATION NO.508 OF 2025

Amarnath Laltaprasad Dubey ...Applicant
Versus
Thane Municipal Corporation Thr. Commissioner ...Respondent

Mr. Ashish Dubey i/b Mr. Ashok M Saraogi, for the Applicant

CORAM: MADHAV J. JAMDAR, J.
DATED : 10th NOVEMBER 2025

PC:-

1. Heard Mr. Ashish Dubey, learned Counsel appearing for the Petitioner.

2. The Challenge in this Writ Petition is to the order dated 24th June 2025 passed by learned District Judge-4 and Additional Sessions Judge, Thane in Micellaneous Civil Appeal No.90 of 2021 as well as to the order dated 20th October 2021 passed by learned

5th Joint Civil Judge Senior Division, Thane below Exhibit-5 in Regular Civil Suit No.181 of 2025. The said Exhibit-5 Application has been filed by the Applicant who is the Plaintiff seeking temporary injunction restraining the Respondent i.e. Defendant Nos. 1 to 4 from dispossessing him from the suit property. The said Application has been dismissed by impugned order dated 20th October 2025 and the said order is confirmed and the Appeal challenging same has also been dismissed by impugned order dated 24th June 2025.

3. The learned Appellate Court while dismissing the Miscellaneous Civil Appeal No.90 of 2021 has observed as under :-

“It is fact on record that defendant No.1 Municipal Corporation has demolished the entire building and gave it for development. The water and electricity connection is also disconnected. Due to demolition of the building, the plaintiff has lost his possession and also not placed any document on record that he was the tenant of defendant No.2. However, after losing his possession, again illegally plaintiff has constructed temporary structure and claimed his tenancy. Whether the said structure is legal and authorized and he is lawful tenant or not is the point to be decided on merit after leading evidence. At this stage, it is a fact that the suit premises is demolished and the plaintiff has not lost his tenancy rights. Therefore, prima facie case is not in his favour nor balance of convenience lies in favour of plaintiff. If the temporary injunction as prayed by plaintiff is granted, it will amounts to granting him final

relief, and would have ended-up granting a pre-trial decree in his favour, which is not at all permissible.”

[Emphasis Added]

4. Thus, it is clear that the entire building is demolished by the Respondent- Thane Municipal Corporation including the suit premises.

5. In view of the above observations of the learned District Judge no interference in the impugned orders is warranted.

6. Accordingly, the Revision Application is dismissed. In view of the disposal of the Revision Application nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]