

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

WRIT PETITION NO.4860 OF 2026

Vinay Ramshankar Sharma

....Petitioner

V/S

Rajesh Keshavji Gothi

....Respondent

Mr. Mayur V. Faria with Mr. Harshal H. Savla *for the Petitioner.*

Mr. Shobhit Shukla *for Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATE : 16 APRIL 2026.

P.C.:

1. The Petition challenges order dated 21 February 2026 passed by Appellate Bench of Small Causes Court dismissing Miscellaneous Appeal No.1 of 2026 and confirming the order dated 2 September 2025 passed by the Trial Court. By order dated 2 September 2025, the Trial Court had dismissed Application taken out by the Petitioner/Defendant seeking temporary injunction to restrain Plaintiff-landlord from dispossessing them during pendency of the suit.

2. As the hearing of the Petition progressed, it has transpired that the entire building in which suit premises are situated has already been demolished. There is dispute amongst parties with regard to the reason for demolition of the building. It is the case of the Plaintiff-landlord that the building was in a dangerous condition and was categorized as C-1 and has accordingly been demolished. On the other hand, it is the case of

the Petitioner/Defendant that the Plaintiff-landlord has taken law into his own hands and has illegally demolished the building. Be that as it may. It is not necessary to go into the reason for demolition of the building. As of now the building itself is not in existence. Therefore, there is no occasion for grant of any temporary injunction in favour of the Petitioner/Defendant during pendency of the suit. In the event the suit is dismissed, Petitioner/Defendant's tenancy rights would continue to subsist notwithstanding demolition of the building.

3. In view of the above, the Writ Petition is rendered infructuous and is accordingly **disposed of**.

4. All contentions of parties on merits are expressly kept open.

(SANDEEP V. MARNE, J.)

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