

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE JURISDICTION

APPEAL FROM ORDER NO.286 OF 2013
WITH
CIVIL APPLICATION NO.344 OF 2013

Smt. Dwaraka Bhiva Thoti	--	Appellant
V/s.		
The State of Maharashtra	--	Respondents

Mr. S. Sakhare, Adv. for the Appellant.
Mr. A.R. Patil, AGP for State.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 31st July, 2013.

P.C. :

1. The Appellant / Plaintiff sued upon apprehension that the officers of the Defendant would dispossess him without notice. The threat or apprehension was denied by the Defendant. The apprehension not having been seen ad-interim relief has been refused by the Judge, City Civil Court, Mumbai on 5th November, 2012. The cause of action is not made out. Counsel on behalf of the Defendant / Respondent states that the Plaintiff claims protection of suit structure shown in the sketch annexed to the plaint at Exh. A and for which electricity bill, Ration card and slip of the government are produced. The Plaintiff claims particular dimensions of the structure which are not reflected in any document. What kind of structure is, therefore, also not shown. Hence rejection of ad-interim relief is proper.

2. The Appeal from Order is dismissed.

3. In view of the order passed in Appeal from Order Civil Application is disposed off.

(ROSHAN DALVI, J.)