

MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
APPEAL NO. AT005000000010738

M/s. Mahanagar Realty ... Appellant
Versus
Mr. Suresh Oswal. Respondent

CORAM : SUMANT M. KOLHE, Member (J.)

DATE : MARCH 12, 2019.

Order below Appeal

1 Heard Advocate Ms. Jasika Rastogi for the Appellant. None appeared for the Respondent. She has filed an application for withdrawal of Appeal. It is contended that Appeal is preferred against the interim order. It is further contended that since the main complaint has already been disposed of, this appeal become infructuous. It is true that the impugned order is of interim nature and the main complaint in which the impugned order was passed has already been disposed of. In such circumstance, I would like to point out that, it is well settled principle that once a final order is passed, all other interim orders measured into final order and interim order ceases to exist automatically, consequently any direction given in interim order also ceases to exist. Interim order stands nullified automatically on disposal of main Petition.

2 **State of West Bengal & Others vs. Banibrata Ghosh & Others** reported in (2009)3 SCC 250, the Hon'ble Apex Court held that, the interim order does not decide the fate of the parties to the litigation finally. It is always subject to and merges with final order passed in the proceedings.

3 Accordingly, I allow the present application and pass the following order.

1. Appeal No. AT005000000010738 stands disposed of as withdrawn.
2. No order as to costs.

12-03-2019

Sumant M. Kolhe 12/3/19
(SUMANT M. KOLHE)
JUDICIAL MEMBER,
Maharashtra Real Estate Appellate
Tribunal, (MahaRERA) Mumbai.