

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

**APPEAL FROM ORDER (ST) NO. 3655 OF 2015
WITH
CIVIL APPLICATION (ST) NO. 3657 OF 2015
IN
APPEAL FROM ORDER (ST) NO. 3655 OF 2015**

Bharat Menshi Chawda

..Appellant

Vs.

Municipal Corporation of Greater Mumbai

..Respondent

....

Mr. K.P. Tiwari, Advocate for Appellant.

Mr. Vinod Mahadik, Advocate for Respondent-BMC.

....

CORAM : K.K. TATED, J.

DATED : 24 FEBRUARY 2015

P.C.:

1. Not on board. At the request of the learned Counsel for the appellant, taken on board for urgent order.
2. By this Appeal from Order, the plaintiff challenges the order dated 5 February 2015 passed by the City Civil Court, Mumbai in Notice of Motion No. 345/2015 in L.C. Suit No. 2841/2014 by which the Trial Court declined to grant ad-interim relief.
3. The learned Counsel for appellant after taking instructions from his client makes a statement that the appellant may be permitted to

withdraw the Appeal from Order as well as the Civil Application with liberty to file an appropriate application before the Corporation for regularization of the suit structure in accordance with law. Same is granted, hence following order:

(i) Appeal from Order as well as Civil Application stands dismissed as withdrawn.

(ii) Though the Appeal from Order and Civil Application is dismissed as withdrawn, following order is passed:

(a) Appellant is permitted to made an appropriate application to the respondent-corporation within two weeks from today for regularization of the suit structure.

(b) If the application is filed within stipulated time, the respondent-corporation is directed to decide the said application as early as possible but in any case within eight weeks from the receipt of the application.

(c) If the order is adverse to the appellant, no action shall be taken by the Corporation for a period of four weeks from the date of receipt of the order by the appellant.

[K.K. TATED, J.]