

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

**APPEAL FROM ORDER NO.392 OF 2015
WITH
CIVIL APPLICATION NO.508 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.PS. Dani, Sr. Counsel i/b Mr.Aslam Malik
for the appellant

Mr.A.K.Nandanwar for the BMC

CORAM : K.K.TATED, J.
DATED : 24/03/2015

PC:

- 1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.
- 2 Heard the learned counsel for the parties.
- 3 By this Appeal from Order, appellant original plaintiff challenges the order dated 5.3.2015 passed by Bombay City Civil Court, Mumbai in Draft Notice of Motion in L.C.Suit No.517 of 2015 declining to grant Ad-interim relief.
- 4 The learned counsel for the appellant submits that the plaintiff earlier made application for regularisation of the unauthorised construction of

the two shops with B.M.Wall, A.C. Sheet roofing, rolling shutter and loft of Ladi Coba resting on M.S. Channel between plot no.231 & 232, R.B.Mehta Road, Ghatkopar (E), Mumbai – 400 077. On that application, Designated Officer passed order on 7.2.2015 partly allowing their application for regularisation. He submits that appellant decide to challenge the said order dated 7.2.2015 passed by Designated Officer to the extent of rejecting their application before the State Government by preferring an appeal under section 45 of the MRTP Act. He submits that he received instruction from the appellant plaintiff that they may be permitted to withdraw the present Appeal from Order as well as L.C.Suit No.517 of 2015 with liberty to file an appeal. He further submits that they will file Appeal before the State Government within two weeks from today and that for two weeks ad-interim protection be granted.

5 Considering the submissions made by the learned counsel for the Appellant, following order is passed:

a) Appellant is permitted to withdraw the Appeal from Order as well as L.C.Suit No.517 of 2015 with liberty to file appropriate appeal before the State

Government challenging partly the order dated 7.2.2015 passed by Designated Officer of Respondent Corporation.

b) Respondent Corporation is directed to maintain status quo in respect of the suit structure for two weeks from today.

c) Appeal from Order stands dismissed as withdrawn.

d) Appellant to make appropriate application before the Trial Court for withdrawal of the L.C.Suit No.517 of 2015 within four weeks from today.

e) Appeal from Order is disposed of accordingly.

f) In view thereof, Civil Application does not survive. The same is also dismissed as infructuous.

Parties to act on authenticated copy of this order.

(K.K.TATED, J.)