

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

**CIVIL APPLICATION NO. 752 OF 2014  
IN  
APPEAL FROM ORDER NO. 626 OF 2014**

Qari Mohammed Zakir Hussain ..Applicant

Vs.

Municipal Corporation of Greater Mumbai and Ors. ..Respondents

....  
Mr. S.M. Kamble, Advocate for Applicant.

Mr. Vinod Mahadik Advocate for Respondent No.1-BMC.

....

**CORAM : K.K. TATED, J.**

**DATED : 24 FEBRUARY 2015**

**P.C.:**

1. Heard learned Counsel for parties.
2. This Appeal from Order preferred by the original-plaintiff challenging the order dated 15 May 2014 passed by the City Civil Court, Mumbai in Notice of Motion No. 2672/2012 by which the Trial Court dismissed the appellant's Notice of Motion.
3. The learned Counsel for the applicant after taking instructions from the applicant who is present in Court makes a statement that the appellant want to make an appropriate application to the respondent-Corporation for regularization of the suit structure in respect of which

the Corporation has issued the notice under Section 354(A) of the MMC Act dated 18 October 2012. He submits that the appellant will apply to the Corporation in prescribed form within two weeks from today. He further submits that in view of this, the appellant may be permitted to withdraw the appeal as well as the application filed by them. Hence following order:

(i) Appeal from Order as well as Civil Application stands dismissed as withdrawn with liberty as stated hereinafter:

(a) The appellant is permitted to make an appropriate application in prescribed form to the respondent-Corporation for regularization of suit structure in respect of which the Corporation has issued the notice under Section 354(A) of the MMC Act dated 18 October 2012.

(b) If application is made within two weeks from today, the respondent-Corporation is directed to decide the same as early as possible in any case within six weeks thereafter and communicate the decision to the appellant in writing.

**[K.K. TATED, J.]**