

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 644 OF 2014****IN****NOTICE OF MOTION NO.      OF 2014****IN****L.C.SUIT NO. 1312 OF 2014****ALONGWITH****CIVIL APPLICATION NO. 778 OF 2014****IN****APPEAL FROM ORDER NO. 644 OF 2014****IN****NOTICE OF MOTION NO.      OF 2014****IN****L.C.SUIT NO. 1312 OF 2014****Kishore Brijmohan Mishra****..... Appellant****VERSUS****Municipal Corporation of Greater Bombay****..... Respondent**

Mr.Omprakash Tiwari for the Appellant.

Ms.M.R.Bhoir for the Respondent - BMC.

**CORAM :      R.D. DHANUKA, J.****DATED :      17<sup>th</sup> NOVEMBER, 2015****P.C.**

Learned counsel appearing for the appellant on instructions from his client who is present in court seeks liberty to withdraw this appeal unconditionally. He however submits that the hearing of the notice of motion filed by his client before the Trial Court be expedited.

2. Appeal is dismissed as withdrawn.
3. Municipal Corporation is directed to file affidavit in reply within four weeks

from today and serve copy thereof upon the plaintiff's advocate simultaneously.

4. Trial court is directed to dispose of the notice of motion expeditiously and not later than four months from the date of furnishing a copy of this order by the parties to the proceedings.

5. In view of the withdrawal of the appeal from order, civil application does not survive and is accordingly disposed of. No order as to costs.

**[R.D. DHANUKA, J.]**