

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

**APPEAL FROM ORDER (ST) NO.18303 OF 2015
WITH
CIVIL APPLICATION (ST) NO.18304 OF 2015
WITH
CIVIL APPLICATION (ST) NO.19974 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.R.S.Apte, Sr.Counsel with Mr.Dilip Shukla
i/b Mr.S.R.Upadhyay for the appellant

Mr.A.V.Divarte for the BMC

Mr.D.D.Singh for the respondent no.2

CORAM : K.K.TATED, J.
DATED : 04/08/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 At the request of learned Senior Counsel for the appellant, appellant is permitted to delete the name of Appellant No.9, Meena Tribhuvanal Gupta from the cause title of Appeal from Order as well as Civil Application.
- 3 The learned Senior Counsel for the appellant filed affidavit cum undertaking dated 3.8.2015 duly affirmed by all the appellants stating that they will vacate the suit premises within 120 days from today. They further submit that they will occupy

the suit premises during this period at their own risk and cost and they will not hold anybody responsible. Said undertaking is taken on record and marked 'X' for identification.

5 The learned Senior Counsel for the appellant submits that all the appellants are present in court. Undertaking given by them is accepted. He seeks liberty to withdraw the Appeal from Order. Hence, following order:

- a) Appeal from Order as well as Civil Applications stand dismissed as withdrawn.
- b) From today 120 days time is granted to the appellant to vacate and hand over possession to the respondent no.2.

(K.K.TATED, J.)