

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

**APPEAL FROM ORDER NO.880 OF 2015
WITH
CIVIL APPLICATION NO.1076 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.R.Mishra i/b Mr.Ajay Mishra for the appellant
Mrs.M.R.Bhoir for the BMC

CORAM : K.K.TATED, J.
DATED : 22/07/2015

PC:

1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 This Appeal from Order is preferred by plaintiff challenging the order dated 6.7.2015 passed by Bombay City Civil Court, Mumbai in draft Notice of Motion in L.C.Suit No.1401 of 2015 declining to grant ad-interim relief.

3 The learned counsel for the appellant submits that he received instruction from his client to withdraw the present Appeal from Order as well as Civil Application with liberty to file appropriate application to the Corporation for regularisation of the suit structure. Same is allowed. Hence,

following order:

- a) Appeal from Order as well as Civil Application stand dismissed as withdrawn.
- b) Liberty granted to the appellant plaintiff to apply to the Corporation for regularisation of the suit structure as per notice dated 11.12.2014 under section 351 of the Mumbai Municipal Corporation Act, 1888 issued by the respondent Corporation within two weeks from today.
- c) If application is filed within stipulated time as stated hereinabove, Corporation to decide the said application as early as possible but in any case, within four weeks from receipt of the said application and communicate the said order to the appellant plaintiff or their advocate in writing.
- d) If application is not filed within stipulated time as stated hereinabove, Respondent Corporation are free to take action as per notice under section 351 of the Mumbai Municipal Corporation Act.
- e) Till the decision is communicated to the appellant plaintiff or their advocate, parties are directed to maintain status quo as of today.

(K.K.TATED, J.)