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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11915 OF 2015

Mohammed Azam Tanki and others ... Petitioners

Vs.

The Municipal Corporation for Greater
Mumbai ... Respondent

Mr.Neville Majra a/w Ms.Shaista Pathan i/b Yusuf & Associates,
Advocate for Petitioners.

Ms.Geeta Joglekar, Advocate for Respondent – Corporation.

CORAM : R.G.KETKAR, J.

DATE : 03rd DECEMBER, 2015

P.C. :

. Not on board. At the request of Mr.Neville Majra, taken
up in the Production Board.

2. By this Petition under Article 227 of the Constitution of
India, original plaintiff has challenged the judgment and order dated
07/10/2015 passed by the learned Judge, City Civil Court at Bombay
in Notice of Motion No. 684 of 2012 in L.C. Suit No. 602 of 2012. By
that order, the learned trial Judge dismissed the Motion taken out by
the plaintiffs for injunction restraining the defendant from
demolishing structure on the basis of notice dated 11/01/2012
issued under Section 351 of the Mumbai Municipal Corporation Act,
1888.

3. Having regard to Order 43 Rule 1(r) of the Code of Civil Procedure, 1908, Mr.Majra seeks permission to withdraw the Petition with liberty to file Appeal From Order. He states that by order dated 04/11/2015, stay granted to the impugned order was extended for a period of 4 weeks and the period of 4 weeks expires today. He, therefore, got the papers produced. He submits that the stay granted by the trial Court may be extended for a period of 1 week from today within which period, the petitioners will file Appeal From Order in this Court and obtain appropriate interim order.

4. On the motion made by Mr.Majra, Petition is allowed to be withdrawn with liberty as prayed for. Notwithstanding withdrawal of the Petition, the stay granted by the trial Court on 04/11/2015 shall remain in force upto and inclusive 10/12/2015. It is expressly made clear that no further extension of time will be granted by this Court.

(R.G.KETKAR, J.)