

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER (ST) NO. 1298 OF 2016****ALONGWITH****CIVIL APPLICATION (ST) NO.1299 OF 2016****IN****APPEAL FROM ORDER (ST) NO. 1298 OF 2016****Shakeel Mazahar Khan****..... Appellant****VERSUS****The Municipal Corporation of Greater Mumbai****..... Respondent****ALONGWITH****APPEAL FROM ORDER (ST) NO. 1306 OF 2016****ALONGWITH****CIVIL APPLICATION (ST) NO.1307 OF 2016****IN****APPEAL FROM ORDER (ST) NO. 1306 OF 2016****ALONGWITH****APPEAL FROM ORDER (ST) NO. 1337 OF 2016****ALONGWITH****CIVIL APPLICATION (ST) NO.1338 OF 2016****IN****APPEAL FROM ORDER (ST) NO. 1337 OF 2016****Ashok Gajanand Gupta****..... Appellant****VERSUS****The Municipal Corporation of Greater Mumbai****..... Respondent**

Mr.J.Reis, Senior Advocate, i/b. Ms.Prerna Lalchandani for the Appellants.

Mr.A.Y.Sakhare, Senior Advocate, a/w. Mr.S.K.Sonawane, Mr.Anil Sakhare, Mr.A.V.Diwate, Mr.Joel Carlos for the Respondent – B.M.C.

Mr.Patil, S.E. (Mnt.) - Officer from B.M.C.

CORAM : R.D. DHANUKA, J.**DATED : 8th FEBRUARY, 2016**

P.C.

Learned counsel appearing for the appellants submits that the appellant in the Appeal from Order (St) No.1298 of 2016 has already surrendered the suit premises to the Municipal Corporation and further submits that the appellant in Appeal from Order (St) No.1306 of 2016 and Appeal from Order (St) No.1337 of 2016 has agreed to surrender the suit premises in favour of the Municipal Corporation by tomorrow and will simultaneously shift their articles from the suit premises to the alternate premises. Statement is accepted. In view of the statement made by the learned counsel appearing for the appellants, the Municipal Corporation is at liberty to demolish the suit structure on the date already fixed for demolishing the other structure. These three appeals are allowed to be withdrawn in view of the aforesaid statement made by the learned counsel for the appellants. The appellants in all the three matters have agreed to withdraw their respective suits filed in the City Civil Court in respect of the suit structure within one week from today. Undertaking of the learned counsel for withdrawal of the respective suits in the City Civil Court is accepted. In view of the withdrawal of the aforesaid three appeal from orders, civil applications in the said matters do not survive and are accordingly disposed of.

[R.D. DHANUKA, J.]