

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER (ST) NO. 1513 OF 2016****ALONGWITH****CIVIL APPLICATION (ST) NO.1514 OF 2016****IN****APPEAL FROM ORDER (ST) NO. 1513 OF 2016****Jamnabprasad Sampat Yadav****..... Appellant****VERSUS****The Municipal Corporation of Greater Mumbai****..... Respondent**

Mr.Surel Shah, i/b. Mr.Ram Singh for the Appellant.

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 appellant submits that the appellant has already surrendered the suit premises to the Municipal Corporation and has agreed to surrender the suit premises in favour of the Municipal Corporation by tomorrow and will simultaneously shift its 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 appellant, the Municipal Corporation is at liberty to demolish the suit structure on the date already fixed for demolishing the other structure. This appeal is allowed to be withdrawn in view of the aforesaid statement made by the learned counsel for the appellant. The appellant has agreed to withdraw the suit 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 suit in the City Civil Court is accepted. In view of the withdrawal of the appeal from order, civil application does not survive and are accordingly disposed of.

[R.D. DHANUKA, J.]