

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3420 OF 2016
IN
FIRST APPEAL NO.1212 OF 2014

Nandkishor Lalbhai Mehta & Anr. .. Applicants
-Versus-
Municipal Corporation of Gr. Mumbai & Ors. ..Respondents

Mr. Farhan Dubash with Vasim Shaikh i/b. Pravin Mehta & Mithi & Co. for
applicants
Mrs. Madhuri More for Corporation

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th August 2016.

P.C.

1] This is an application preferred for setting aside the order of dismissal of the first appeal for non compliance of the conditional order dated 22nd March 2016 passed by the Registrar Judicial II.

2] It is submitted that the applicant intends to withdraw the appeal itself and for that purpose it is necessary that the said first appeal be restored to the file and the impugned order for dismissal for non compliance is set aside.

3] Considering the fact that the applicant wants to withdraw the appeal, the impugned order of dismissal passed by the Registrar Judicial II dated 22nd March 2016 is quashed and set aside. The appeal is restored to file.

4] At the request of learned Counsel for the applicant, in view of the letter dated 9th February 2016 issued by the Assistant Engineer (B & F) D Ward Designated Officer -II of Municipal Corporation, which is marked as Annexure "A" for identification, the appeal is allowed to be withdrawn and disposed of as such. No costs.

(Judge)