

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**FIRST APPEAL NO. 97 OF 2016
WITH
CIVIL APPLICATION NO. 2297 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. Sushil Upadhyay i/b A. M. Saraogi for the Appellant.

Mrs. M. R. Bhoir for the respondent no.1 / BMC.

Mr. S. P. Thorat for Respondent No.2.

CORAM : K. K. TATED, J.

DATED : 23/02/2016

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by Plaintiff challenging the Judgment and Decree dated 08.05.2015 passed by Bombay City Civil Court at Bombay in L.C. Suit No. 1901 of 2008 by which the Trial Court dismissed the Plaintiff's suit challenging the notice dated 07.04.2008 and order passed by the Respondent Municipal Commissioner in respect of unauthorised construction of the premises admeasuring 35' X 29' having attic floor and height of 14 feet situated at plot No. 329, 330 Adarsh Nagar, Oshiwara, New Link Road, Andheri (W).

3 The learned Counsel for the appellant filed

affidavit dated 23.02.2016 of appellant stating that he may be permitted to withdraw the present First Appeal as well as Civil Application with liberty to file appropriate application with Respondent No.1 Municipal Corporation of Gr. Mumbai for regularisation of suit structure.

4 Considering the submissions made by the learned Counsel for the Appellant and affidavit dated 13.02.2016, following order is passed:

a) Appellant is permitted to withdraw the First Appeal as well as Civil Application.

b) First Appeal as well as Civil Application stand dismissed as withdrawn.

c) Appellant is permitted to make appropriate application to the Concerned Officer of the Municipal Corporation within six weeks from today for regularisation of suit structure.

d) If application is not made within stipulated time as stated herein above, the Respondent Corporation is free to take action according to law.

e) If application is made within stipulated time as stated herein above, the Respondent Corporation is directed to decide the said application on its own merits according to law within 12 weeks from the receipt of said application and communicate the order in writing to the Appellant as

well as Respondent No.2 MHADA.

f) Till the communication of the order and thereafter three weeks, parties are directed to maintain status quo in respect of the suit property as of today.

(K.K.TATED, J.)