

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1231 OF 2015 with
CIVIL APPLICATION NO.3607 OF 2015

Parasmal V.Jain & ors .. Appellants

vs

Rupesh Kirti Parmar & ors .. Respondents

Mr.Piyush Shah a/w M.N.M.Dedhia for Appellants

Mr.Pankaj S.Shah for Respondents

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CORAM: G.S.KULKARNI, J

DATE : 7 DECEMBER 2016

P.C.

1. After this appeal was heard for sometime, learned counsel for the appellants seeks leave to withdraw this appeal as the appellants intend to approach the appropriate Competent Authority of the Mumbai Municipal Corporation with a proposal/application seeking change of user/regularization, in respect of the suit garage which the appellants intend to use as a temple.

2. Learned counsel for the appellants state that the application for change of user/regularization would be filed with the Competent Authority of the Municipal Corporation within a period of four weeks from today.

3. All contentions of the parties on the merits of the proposed

application for change of user/regularization, are expressly kept open. The appellants shall forward copy of the said application to the respondent-plaintiff as and when the same is filed.

4. In the meantime, till such application for change of user/regularization, is filed and is considered and decided by the Competent Authority of the Municipal Corporation, the respondent/plaintiff shall not take any further steps to execute the decree in respect of the suit garage in which the appellant state that they have installed an idol. Learned counsel for the appellants state that the suit-garage would not be used as a temple till the application for change of user/regularization, is decided by the Competent Authority of the Municipal Corporation. Statement is accepted.

5. In the circumstances, appeal is permitted to be withdrawn with liberty as prayed for.

{G.S.KULKARNI, J}