

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

*SECOND APPEAL NO. 91 OF 2015
with
CIVIL APPLICATION NO. 185 OF 2015*

Shree Narottam Co-operative
Housing Society Ltd. ... Appellant/Applicant.

V/s.

Narottam Bhavan and Parmanand
Bhavan Sanatorium Trust and Ors. ... Respondents.

Ms. Ashwini Reddy for the Appellant and Applicant.

Mr. S.H. Joshi for Respondent 1.

Ms. Chaitrali Deshmukh for Respondent 3.

CORAM : N.M. Jamdar, J.

12 July, 2016.

P.C. :-

The learned Counsel for the Appellant states that the Appellant is desirous of filing separate suit for violation of the easementary rights of the air, light and way of the Appellant and such as a relief which do not pertain to provisions of Section 149 of Maharashtra Regional Town Planning (MRTP) Act and is regarding

the dispute between the Appellant and Respondent No.1 and seeks leave to withdraw the Appeal.

2. Since both the Courts have held that the present Suit was not maintainable in view of bar of Section 149 of the MRTP Act and for want of notice, subsequent Suit if any, filed by the Appellant will be decided on its own merits and all contentions of the parties in that regard are kept open.

3. The Second Appeal is accordingly disposed of as withdrawn with liberty as prayed for.

(N.M. Jamdar, J.)