

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

Appeal from Order NO. 1028 OF 2016
with
Civil Application No.1293 of 2016

Mr Suresh Subba Pujari

...Appellant

Versus

The Municipal Corporation For The City Of
Greater Mumbai

...Respondent

Mr.Reddy, for the Appellant.

Mrs.M.R.Bhoir, for the Respondent

Mr.Sandeep K.Gite, Assistant Engineer (B&F), D-Ward present.

CORAM: G.S.KULKARNI, J.

DATE : 7_DECEMBER 2016

P.C.

1. Learned Counsel for the Respondent-Corporation on instructions from Mr.Sandeep K. Gite, Assistant Engineer (B&F), D-Ward, who is present in the Court states that the Municipal Corporation intends to withdraw the order dated 7 November 2016 (Exhibit 'Z' at page 119 of the paper book) which was passed in pursuance of a show cause notice dated 22 April 2016 issued under Section 351 of the Mumbai Municipal Corporation Act. It is stated that the designated officer – Assistant Engineer (B&F), D-Ward, shall pass a fresh order after granting an opportunity of a hearing to the Appellant within a period of six weeks from today. Statement is accepted.

2. Till the designated officer considers the issue afresh and passes a fresh order, the Respondent – Corporation shall not take any coercive action under the suit notice dated 22 April 2016 for a period of six weeks. Needless to observe that if any adverse order is passed against the Appellant, the Appellant is at liberty to approach the trial Court in the pending suit.

3. In view of withdrawal of the order dated 7 November 2016, Mr.Reddy, learned Counsel for the appellant seeks leave to withdraw this appeal. Accordingly, the appeal is allowed to be withdrawn and dismissed as such.

4. Civil Application would also not survive in view of the disposal of the appeal and the same is accordingly disposed of.

{G.S.KULKARNI, J}