

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (St) NO.33593 of 2016**

with

CIVIL APPLICATION (St) No.33594 of 2016

Mrs Maharasi S.Venkatachalam & anr Appellants

vs

The Municipal Corpn of Gr.Mumbai & ors .. Respondents

Mr.Vijayprakash Yadav for Appellant

Ms.Madhuri More for Respondent-BMC

..

CORAM: G.S.KULKARNI, J

DATE : 19 DECEMBER 2016

P.C.

1. On 8.12.2016 this Court had passed an order recording a statement made on behalf of the appellant that as regards the permanent alternate accommodation, the respondent no.3-society as also the concerned Developer has agreed for the same to be provided to the appellants and an Agreement to that effect has already been executed with the Developer in view of the order passed by the Division Bench of this Court in Writ Petition No.2939 of 2016.

2. Today, learned counsel for the appellants on instructions of the appellants who are stated to be present in Court submits that, accordingly the Suit structure of the appellants' was surrendered and the same has been demolished. It is therefore, submitted that this appeal is

required to be disposed of. As regards the suit notice issued by the Municipal Corporation the Suit structure is already demolished by the landlord, hence the notice issued under section 351 of the Mumbai Municipal Corporation Act, 1883 by the Municipal Corporation is rendered in-consequential.

3. In view of these developments, learned counsel for the appellants seek leave to withdraw this Appeal. Accordingly, Appeal is allowed to be withdrawn and is disposed as such. Civil Application (Stamp) No.33594 of 2016 would also not survive and is disposed of accordingly.

{G.S.KULKARNI, J}