

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1540 OF 2015

RNA Heights A Wing Co-op.
Hsg. Soc. Ltd.

.. Petitioners

v/s.

Municipal Corporation of Greater
Mumbai and Ors.

.. Respondents

Mr. R.M. Nakhawa a/w T.C. Deshpande i/b V.B. Dhawan for the
petitioner

Mr. Cyrus Bharucha a/w H.C. Pimpale for the respondents

**CORAM : M.S. SANKLECHA &
B.P. COLABAWALLA, J.J.**

DATED : 4th FEBRUARY, 2016.

PC.

1. Mr. Nakhawa, learned Counsel appearing for the petitioners seeks leave to withdraw the present petition with liberty to file an appeal under Section 217 of the Mumbai Municipal Corporation Act, 1888, (Act) within four weeks from today.

2. The Judge entertaining the appeal filed under Section 217 of the Act, would consider the application for condonation of delay, if any, filed by the petitioners on its own merits. However, he will take into consideration the amount of time spent by the petitioners in

prosecuting the present petition. It is further clarified that the amounts, which have already been deposited by the petitioners with the Corporation relating to the dispute raised in the appeal to be filed with the Small Causes Court, would be taken account for computing the amount to be deposited with the Corporation for the purposes of entertaining the petitioners' appeal. All contentions raised by the parties are kept open to be urged in the statutory appeal to be filed by the petitioner.

3. The Petition is dismissed as withdrawn with the aforesaid directions.

(B.P. COLABAWALLA, J.)

(M.S. SANKLECHA, J.)