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

**APPEAL FROM ORDER(ST) NO. 12359 OF 2017
WITH
CIVIL APPLICATION (ST) NO. 12360 OF 2017
IN
APPEAL FROM ORDER(ST) NO. 12359 OF 2017**

Sugra Kasam Inamdar

Appellant/Applicant

Vs.

The Municipal Corporation of Greater Mumbai

Respondent

Mr. Ditendra Mishra, Advocate for the Appellant

Mr. Pradeep Patil, Advocate for the Corporation

**CORAM : M.S. KARNIK, J.
(VACATION COURT)
DATED :22ND MAY, 2017**

PC. :

1. In view of the subsequent developments i.e. passing of order dated 4th May, 2017 by the Respondents, learned Counsel for the Appellant submits that he will now have to challenge the said order dated 4th May 2017 before the trial Court. He, therefore, submits that nothing would survive in the present Appeal and therefore, seeks leave to withdraw the Appeal.

2. In this view of the matter the Appellant is granted liberty to file an appropriate application for amendment before the trial Court and if the same is filed, the application shall be considered on its own merits.
3. The Appellant also seeks liberty to amend the Notice of Motion which is pending for grant of interim relief. Liberty as prayed for is granted.
4. If the Appellant files an application for amendment before the trial Court the same may be considered on its own merits. The trial Court may also consider the Notice of Motion for grant of interim relief on its own merits in view of the subsequent development of passing order dated 4th May 2017.
5. The ad-interim protection granted by this Court vide order dated 5th May 2017 is continued for a period of 4 weeks from today.

6. Needless to mention I have not expressed any opinion on the merits of the matter. The Appeal is accordingly allowed to be withdrawn. As the Appeal is withdrawn the Civil Application does not survive hence, and the same is disposed of accordingly.

(M.S. KARNIK, J.)