

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3314 OF 2018
IN
FIRST APPEAL NO.626 OF 2017

Malegaon Municipal Corporation
Through its Commissioner ... Applicant

Vs

Shri Prakash H. Choudhary and Ors. ... Respondents

...

Ms. Mamata S. Paradkar for Mr.S.S.Patwardhan for the
Applicant.

Ms. Tanaya Goswami, AGP for R.Nos.2 and 3.

CORAM : K. K. TATED &
SANDEEP K. SHINDE JJ.
DATE : 19 SEPTEMBER, 2018

P.C. :

Heard learned counsel for Parties.

2 By this Civil Application, the Applicant is seeking
restoration of First Appeal No.626 of 2017 which stood dismissed in
view of conditional order dated 22.1.2018.

3 Considering the submissions made by the learned
counsel for the Applicant and averments made in the Civil
Application, we are satisfied that the Applicant has made out a case

for allowing this Civil Application. Hence, following order:

- (A) First Appeal No.626 of 2017 is restored to file for hearing on its own merits.
- (B) Civil Application stands disposed of accordingly.

(SANDEEP K. SHINDE, J.)

(K. K. TATED, J.)

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.626 OF 2017***

Malegaon Municipal Corporation
Through its Commissioner ... Appellant
Vs
Shri Prakash H. Choudhary and Ors. ... Respondents
...
Ms. Mamata S. Paradkar for Mr.S.S.Patwardhan for the
Appellant.
Ms. Tanaya Goswami, AGP for R.Nos.2 and 3.

***CORAM : K. K. TATED &
SANDEEP K. SHINDE JJ.
DATE : 19 SEPTEMBER, 2018***

P.C. :

Not on board. Taken on board at the request of the
advocate for the Applicant for urgent orders.

Heard learned counsel for Parties.

2 Advocate Ms. Paradkar appearing on behalf of the
Appellant states that she receives instructions from the Appellant to
withdraw unconditionally the present First Appeal. To that effect,
she has filed affidavit of Mr. Sanjay J. Jadhav, Town Planner (II)
Malegaon Corporation duly affirmed on 30.8.2018 . Same is taken

on record and marked X for Identification.

3 Considering the submissions made by the learned counsel for the Appellant and the affidavit dated 30.8.2018, following order is passed:

(A) First Appeal No.626 of 2017 stands disposed of as withdrawn unconditionally.

(B) No order as to costs.

(C) Refund of Court-fees according to law.

(SANDEEP K. SHINDE, J.)

(K. K. TATED, J.)