

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

APPEAL FROM ORDER NO.285 OF 2014

Laxmi Chandrakant Kanade & Ors.	...Appellants
Versus	
Maharashtra Housing and Area Development Board	...Respondents

.....

Mr. S.S. Lanke for the Appellants.
Mrs. Geeta Mulekar for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd APRIL, 2018.

P.C.:-

The Appellant has challenged the order dated 21.2.2013, whereby the learned Judge of City Civil Court, Greater Bombay, dismissed the Notice of Motion No.1725 of 2011 in S.C. No.3939 of 1989.

2. The Appellant had filed a suit for perpetual injunction under the apprehension that he would be evicted and dispossessed by the Respondent without following due process of law. The said suit was dismissed for default on 28th June, 2000. By the impugned order the learned Judge dismissed the notice of motion for restoration of the suit.

3. In the course of hearing, the learned Government Pleader for the Respondent, has placed on record letter dated 2nd April, 2018 addressed to her by Estate Manager, G/North, Mumbai Building Repairs and Reconstruction Board. In the said letter the Estate Manager has stated that subsequent to dismissal of the suit, action is initiated against the Appellants in accordance with law. In the light of the statement made by the Estate Manager in letter dated 2nd April, 2018, the grievance of the Appellants /Plaintiffs that he is likely to be dispossessed without taking recourse to law, stands redressed. In view of the said letter the learned counsel for the Appellants seeks leave to withdraw the appeal with liberty to contest the proceedings initiated by the Executive Engineer vide notice dated 23rd March, 2018. Leave with liberty as prayed for is granted.

4. The Appeal from order is dismissed as withdrawn.

5. The Appellants to appear before the Executive Engineer, G/North, Mumbai Building Repairs and Construction Board on 23rd April 2018 at 11.00 a.m. The Executive Engineer shall permit the Appellants to file additional reply, if any, and give hearing in the matter.

(SMT. ANUJA PRABHUDESSAI, J.)