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

**APPEAL FROM ORDER NO.952 OF 2015
WITHU
CIVIL APPLICATION NO.1166 OF 2015**

Shashank Genuji Shinde ... Appellant

V/s.

Municipal Corporation of
Greater Mumbai and anr ... Respondents

Mrs. Pooja Pande, for the appellant.
Mrs. Madhuri More, for respondent corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 29th OCTOBER, 2018.

P.C. :

1] Learned counsel for respondent submits, on written instructions from Assistant Engineer (B & F) "E" ward, that as the Notice was not issued on correct address of the appellant fresh notice will be issued to the appellant under Section 351 of the M.M.C Act.

2] In view thereof, learned counsel for appellant seeks leave to withdraw the appeal and the suit with liberty to file fresh suit and the appeal if required.

3] The appeal and the suit are disposed off as withdrawn

with liberty as sought.

4] In view of withdrawal of Appeal, pending Civil Application therein no more survives and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]