

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 1142 of 2015

WITH

CIVIL APPLICATION No. 1425 of 2015

Mangesh Namdeo Talankar

..Appellant.

Vs

Municipal Corporation of Gr. Mumbai & Ors

..Respondents.

Ms. Sadaf Maldar, for the appellant.

Mrs. Madhuri More for BMC.

CORAM : M.S. SONAK, J.**DATE : 13th August, 2018.****P.C.:-**

1) Ms. Sadaf Maldar, the learned Counsel for the appellant on the basis of instructions both from her Senior J.J.Shah as well as the appellant, seeks liberty to withdraw this appeal, since the evidence has already commenced in the suit before the learned Trial Judge.

2) Accordingly, this appeal is permitted to be withdrawn and is disposed of as such. There shall be no order as to costs.

3) It is made clear that the learned Trial Judge while disposing of the suit, shall not be influenced by any of the observations in the impugned order which in any case were only prima facie in nature. The suit is to be decided in accordance with law and on its own merits based upon the evidence tendered by the

parties.

4) Pending Civil Application does not survive and the same is also disposed of.

(M.S. SONAK, J.)