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

**APPEAL FROM ORDER (ST) NO.26484 OF 2018
WITH
CIVIL APPLICATION (ST) NO.26485 of 2018.**

Sohail Bashir Wazifdar	...	Appellant
V/s.		
The Municipal Corporation of Greater Mumbai and ors	...	Respondents

Mr. Prasad Dani, Senior Advocate a/w Ms.Eventa
Gonsalves and Ms. Reyden H. Gonsalves, for the
appellant.

Mr. Dharmesh Vyas a/w Mrs. Madhuri More, for
respondents

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st OCTOBER, 2018.

P.C. :

1] Learned counsel for respondent Municipal Corporation after taking instructions, submits that the respondent is withdrawing the impugned notice issued on 01.01.2018, with permission to issue fresh Notice under Section 351 of the Mumbai Municipal Corporation Act, 1888, to the owner occupier of unauthorized structure after taking fresh inspection of the site.

2] In view thereof, the cause of action no more survives and therefore, both the Appeal and the suit become infructuous, stand

dismissed.

3] In view of disposal of Appeal itself, pending civil Application therein, no more survives and the same is disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]