

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.) NO.30826 OF 2018

IN

CIVIL REVISION APPLICATION NO.249 OF 2014

(Pramod M. Purandare (decd) through LRs Vs. Khairunnissa Sadridin Bilawala)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. V. V. Pai for Applicants.

CORAM : R. G. KETKAR, J.**DATE : 24TH OCTOBER, 2018****P.C.:**

Not on Board. At the request of Mr. Pai, learned Counsel for the applicants, taken up in the production Board.

2. By this Application, applicants have prayed for following reliefs:

“(b) Pending the hearing and final disposal of this Civil Application and Civil Revision Application, this Hon'ble Court be pleased to direct the proposed Respondent Nos.2 and 3, especially proposed Respondent No.3, i.e. Designated Officer-III, Assistant Engineer (building & Factory), G/North Ward, Municipal Corporation of Greater Mumbai, not to take any action of demolition of the suit structure, situated at Ground Floor, Vasundhara Building, Final Plot No.155, Ram Maruti Road, Dadar (West), Mumbai 400 028 in any manner whatsoever, in pursuance of the notices, especially notice dated 23.10.2018 at Exhibit-E;

(c) pending the hearing and final disposal of the Civil Application and Civil Revision Application, the proposed Respondent Nos.2 and 3, Corporation authorities, be directed by order and directions of this Hon'ble Court, not to entertain any Complaint, that may be received by the Respondent and / or anyone else, in respect of the suit structure and / or to take any action in lieu thereof;

(d) Pending the hearing and final disposal of the above Civil Application and Civil Revision Application, effect, implementation, execution and operation of the notice dated 23.10.2018, at Exhibit-E, be stayed, by this Hon'ble Court;"

3. After arguing the application for quite some time, Mr. Pai seeks permission to withdraw this Application with liberty to approach appropriate forum challenging the notice dated 23.10.2018 issued by the Designated Officer-III, Assistant Engineer (building & Factory), G/North Ward, Municipal Corporation of Greater Mumbai under Section 488 of the Mumbai Municipal Corporation Act, 1888.

4. On the motion made by Mr. Pai, Civil Application is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined merits of the case. All contentions of the parties are expressly kept open. Civil Application is disposed of accordingly.

(R. G. KETKAR, J.)