

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2513 OF 2018

Smt. Naglaxmi Mariappan Pillai	.. Petitioner
<i>Versus</i>	
Brihanmumbai Mahanagarpalika and Anr.	.. Respondents

Mr. B.P. Shukla for the Petitioner.
Mrs. Sheetal Mane, for Respondent No.1-BMC.

CORAM : K.K. TATED, J.

DATE : 28 NOVEMBER 2018.

P.C:-

- . Heard learned Counsel for the parties.
2. By this petition under Article 227 of the Constitution of India, petitioner/original plaintiff is challenging the order dated 02.11.2017 passed by the City Civil Court, Mumbai in Chamber Summons No. 1517 of 2017 in L.C. Suit No. 4899 of 2010 rejecting petitioner's application for carrying out amendment under Order 6, Rule 17 of Code of Civil Procedure, 1908.
3. At this stage, learned Counsel for the petitioner submits that by order dated 02.11.2017, trial Court directed respondent-Corporation to consider plaintiff's application dated 08.10.2011, 25.11.2011 and 18.06.2012 on its own merits. He submits that till today the Corporation has not considered the same.
4. Learned Counsel for the petitioner submits that he received instructions from his client who is present in Court to withdraw present Writ Petition unconditionally. He submits that Corporation be directed to consider their application on merits as earlier possible. To that effect, he has given in writing. Same is taken on record and marked 'X' for

identification. Same is accepted. In view of the facts, following order is passed :-

- a) Writ Petition stands disposed of as withdrawn unconditionally.
- b) Respondent-Corporation is directed to consider and decide petitioner's application dated 08.11.2011, 25.11.2011 and 18.06.2012 on its own merits, if did not decided till today, within three months from today and communicate the decision to the petitioner or petitioner's advocate in writing.

(K.K. TATED, J.)