

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

**APPEAL FROM ORDER NO. 1262 OF 2015
WITH
CIVIL APPLICATION NO. 1593 OF 2015**

Vishala Jaywant Gawad and others	... Appellants
Versus	
Maharashtra Housing and Area Development Authority and others	... Respondents

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None present for the appellants.

Mr. Sharad Wakchore i/b Kishore Thakordas & Co. for
Respondent No.4.

Mrs. Madhuri More for Respondent No.6-B.M.C.

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CORAM : K. K. SONAWANE, J.

DATE : 24th JULY, 2018.

P. C.:

1. When the matter is called out, no one else is appeared on behalf of the appellants.

2. Learned Counsel for respondent No.4 and learned Counsel for respondent No.6-Corporation are present. Learned Counsel for respondent No.4 submits that this Court, under order dated 1st January, 2016, observed that the appellants are willing to vacate the premises within a period of 10 days from the order. The

appellants also filed undertaking to that effect before this Court. The Notice of Motion was also agreed to be withdrawn by the appellants pending before the City Civil Court. According to the learned Counsel for respondent No.4, the present appeal has become infructious in view of compliance of the directions issued by this Court under order dated 1st January, 2016.

3. Taking into consideration the submissions on the part of learned Counsel for respondent No.4, I find force in the contention put-forth on behalf of respondent No.4. Moreover, the appellants remained absent to assist this Court on these vital issues. The matter is pending since 2015. In such circumstances, Appeal from Order is required to be disposed off as the same became infructious one.

4. In view of above, Appeal from Order stands disposed of. No order as to costs. The pending civil application does not survive following disposal of the Appeal, therefore, same stands disposed of.