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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 844 OF 2018

M/s Mahesh Developers & Ors. ...Petitioners
VS
Municipal Corporation of Gr.Mumbai
& Ors. ...Respondents

.....
Mr Sureil Shah i/b Mr Ram V. Singh for the Petitioners.
Ms Vandana Mahadik for the Respondent/BMC.
Mr Mahesh Saparia, Petitioner No.5 present in the Court.

.....
**CORAM : A.S.OKA &
RIYAZ I. CHAGLA, JJ.
MARCH 14, 2018.**

P.C.:

Not on board. Taken on board.

2 Learned counsel appearing for the Petitioners seeks permission to withdraw the Petition with liberty to prefer an appeal under Section 217 of the Mumbai Municipal Corporation Act, 1888. He states that the Petitioners will deposit with the first Respondent the entire arrears as stated in Exh "G" to the Petition within a period of four weeks from today. We accept the statement. Accordingly, we pass the following order.

O R D E R

- (i) The Petition is disposed of as withdrawn with liberty as prayed;
- (ii) All contentions of parties on merits are kept open;
- (iii) For a period of four weeks from today, action shall not be taken by the Respondents on the basis of Exh “G” to enable the Petitioners to deposit with the first Respondent the entire amount demanded under Exh “G”. The deposit will be without prejudice and subject to final outcome of the appeal preferred by the Petitioners.

(RIYAZ I. CHAGLA J.)

(A.S.OKA, J.)