

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal from Order No. (ST) 7489/2019
with
Civil Application No. (ST) 7491/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Y. K. Tiwari I/b. K. P. Tiwari & Co. for the Appellant Mrs. madhuri More for the Respondent.	

CORAM : K.K.TATED, J.
DATED : 18/03/2019

P.C.

Heard. By this Appeal from Order, the Appellant - Plaintiff challenges the order dated 20.02.2019 passed by the Bombay City Civil Court, Mumbai in Notice of Motion No.4644/2018 in L.C.Suit No.1334/2018 rejecting their Notice of Motion for temporary injunction restraining the Respondent - Defendant from demolishing and/or removing the suit structure.

2 The learned counsel for the Appellant relies on para 12 of the impugned order and stated that there is no question of filing any appeal u/s.47 of the Maharashtra Regional and Town Planning Act,1966 (MRTP Act).

3 When this court declined to entertain the present appeal, the learned counsel for the Appellant seeks permission to withdraw the Appeal from Order with liberty to file an appeal u/s.47 of the MRTP Act. He submits that the interim protection granted by the Bombay City Civil Court, Mumbai on 21.02.2019 to be continued for further four weeks.

4 Considering the submissions made by the learned counsel for the Appellant and as the Appellant wants to prefer an appeal u/s.47 of the MRTP Act, the Appellant is permitted to withdraw the Appeal from Order and Civil Application with liberty as prayed for.

5 Hence, the following order is passed:

a. The Appeal from Order and Civil Application stand disposed of as withdrawn with liberty to file an appeal u/s.47 of the MRTP Act, which shall be decided on its own merits.

b. Ad-interim protection granted by the Bombay City Civil Court, Mumbai on

21.02.2019 below Exhibit- 11 in LC.Suit No.1334/2018 to continue till 22.04.2019.

c. Liberty granted to the Appellant to file appropriate proceedings to challenge the order dated 20.02.2019 in Chamber Summons NO.2254/2018 and 2256/2018, which shall be decided on merits.

(K.K.TATED, J.)