

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST.NO.10734/2017
WITH
CIVIL APPLICATION ST.NO.10735/2017

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.jn Jayale for appellant.
Mr.G.B. Walawalkar i/b S.P. Thorat for respondent no.1
Mr.Yogesh Dabake AGP for respondent no.2
Mrs. Oorja Dhond for respondent nos.3 and 4.

CORAM : K.K.TATED, J.
DATED : APRIL 26, 2019

P.C.

1. Heard learned counsel for parties.

2 By this appeal from Order, the appellant/plaintiff is challenging order dated 12.4.2017, passed by Bombay City Civil Court, in Notice of motion in L.C. (Stamp) No.4116/2017, declining to grant any ad-interim relief.

3. When this Court declined to entertain the present Appeal from Order, learned Advocate for applicant, submitted that, applicant may be

permitted to make appropriate application before authority for regularization of suit structure. He further submitted that interim protection granted by this Court to continue for 15 days to enable the applicant to file appeal for regularization and move for stay before the Authority. To that effect, he has filed affidavit cum-undertaking dated 26.4.2019. He also given in writing for withdrawal of matter. Same is taken on record and marked 'X' for identification. Same is accepted.

4. Hence, the following order.

- a) Appeal from Order as well as Civil application stands disposed of as withdrawn unconditionally.
- b) Interim protection granted by this Court to continue till 15.5.2019.
- c) Liberty granted to applicant to prefer proper application for regularization of their structure before competent authority and also with application for interim stay.
- d) The competent authority is directed to decide the appellant's application on its own merits without influencing the orders passed by this court and/or by City Civil Court.

- e) Appeal from Order as well as Civil application stands disposed of accordingly.
- f) No order as to costs.
- g) In view of order passed by this court, nothing survives in L.C. Suit Stamp No.4116/2017 pending before, Bombay City Civil Court. Hence, same stands disposed of as withdrawn.
- h) Registrar is directed to inform the concerned Court accordingly.
- i) All contentions of both sides are kept open.

(K.K.TATED, J.)