

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

**APPEAL FROM ORDER NO. 676 OF 2018
WITH
CIVIL APPLICATION NO.883 OF 2018
IN
APPEAL FROM ORDER NO.676 OF 2018**

Mr. Sunil Jagatnarayan Singh ...Appellant

V/s.

The Municipal Corporation of Greater
Mumbai & Anr.

...Respondents

....

Shri Kunal Bhanage, advocate for the appellant.

Mrs. More, advocate for the respondents/MCGM.

....

CORAM : M.S.KARNIK, J.

DATE : 12th JUNE, 2019

P.C. :

1. Learned advocate for the appellant submits that during the pendency of the appeal, the suit structure is demolished. Therefore, he submits that in these circumstances, he will have to file Motion amending the plaint seeking appropriate reliefs before the trial court. He therefore seeks leave to withdraw the present appeal.
2. The appeal is allowed to be withdrawn.

3. Needless to mention that if an application for amending the plaint is made by the appellant, the same will be considered on its own merits. It is made clear that I have not examined any of the rival contentions on merits.

4. In view of the subsequent developments, the appellant is permitted to apply for appropriate interim reliefs before the trial court, which Motion obviously will be considered on its own merits without being influenced by the earlier order of the trial court as well as this court.

5. With these observations, the appeal is disposed of.

6. In view of the withdrawal of the appeal, civil application is disposed of accordingly.

(M.S.KARNIK, J.)