

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

**FIRST APPEAL NO. 879 OF 2018
WITH
CIVIL APPLICATION NO. 2794 OF 2018**

Carmine John Fernandes ..Appellant

v/s.

**The Municipal Corporation for Gr. Mumbai
& Another ..Respondents**

None for the Appellant/Applicant.

Mrs. Madhuri More for the Respondent No.1-MCGM.

**Mr. Abhilesh Chitre I/b. Dhanuka & Partners for the Respondent
No.3.**

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 28th FEBRUARY, 2019.**

P.C.

1. It is seen that the appellant was not present on the last two dates of hearing. By way of indulgence, the appeal was adjourned and listed today under the caption for dismissal / admission.

2. Today, when the matter was called out, neither the appellant nor his Counsel is present. The learned Counsel for the Corporation submits that the subject structure has already been demolished. It

appears that the appellant is not interested in proceeding with the appeal. Hence the appeal is dismissed for default.

3. In view of dismissal of appeal, civil application does not survive, and the same stands disposed of.

(ANUJA PRABHUDESSAI, J.)