

Tikam

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

APPEAL FROM ORDER (ST) No. 27763 of 2018 OF 2018

WITH
CIVIL APPLICATION (ST) No. 27764 OF 2018
IN
APPEAL FROM ORDER (ST) No. 27763 OF 2018

Smt. Tunga Krishna Devadiga ...Appellant/Applicant

Vs.

Mr. Shankar Bhiku Rahate and Ors. ...Respondents

Mr. J.S. Kini i/b. Sapna Shankar Krishnappa for
Appellant/Applicant

Mr. Vidnyan Daware for Respondent No.1

Ms. Oorja Dhond for Respondent Nos. 2 to 4

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 16, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this Appeal from Order, the Appellant is challenging the order dated 14th August, 2018 passed by the City Civil Court at Mumbai in Notice of Motion No. 1685 of 2018 in L.C. Suit No. 1198 of 2018 restraining the Corporation from taking any action against the original plaintiff on the basis of the notice under Section 351 of the MMC Act.
3. Learned counsel for the Appellant submits that the said order was passed by the Trial Court without hearing to the Appellant. He submits that he received instruction from his client to withdraw the present proceeding with liberty to file appropriate application before the Trial Court. To that effect, he has given in writing. The same is

accepted, taken on record and marked 'X' for the purpose of identification.

4. Appeal from Order as well as Civil Application stand dismissed as withdrawn with liberty as prayed. No order as to costs.

[K.K. TATED, J.]

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