

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

**APPEAL FROM ORDER (ST.) NO. 1678 OF 2020
WITH
INTERIM APPLICATION NO. 01 OF 2020**

Azhar Irfan Usman Shaikh	...	Appellant
V/s.		
The Municipal Corporation of Gr. Mumbai	...	Respondent

Mr.B.S. Shukla for Appellant.
Ms.Madhuri More for Respondent-Corporation.

CORAM : A.S. GADKARI, J.

DATE : 18th February 2020.

PC. :

1] In view of the observations made by the Trial Court in para No.9 of the impugned Order dated 22nd January 2020 passed in Notice of Motion No. 1947 of 2013 in Suit No.1806 of 2013, Mr.Shukla, learned counsel appearing for the appellant submitted that, the appellant will file an application for issuance of fresh hawking licence for his hawking business with the Competent Authority of the respondent-Corporation within a period of three weeks from today.

If such an application is filed by the appellant, the Designated Officer of the Corporation shall decide the same as per the provisions of law.

2] In view thereof, the learned counsel for the appellant seeks leave to withdraw the present appeal unconditionally.

Learned counsel for the appellant, on instructions, further submitted that, the appellant-original plaintiff will also withdraw S.C. Suit No. 1806 of 2013 filed before the learned Judge, City Civil Court, Borivali Division, Mumbai, within a period of one week from today and will pursue his remedy for getting fresh hawking licence from the respondent-Corporation.

Leave and liberty granted.

3] Appeal is disposed off as withdrawn with aforesaid liberty.

4] In view of disposal of Appeal, the Interim Application pending therein does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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