

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.211 of 2021
IN
WRIT PETITION (L) NO.966 of 2020**

Raju D.
Gaikwad
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Raju D.
Gaikwad
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Vijay Motiram Zope and 5 ors .. Petitioners

Versus

**Municipal Corporation of Greater
Mumbai and 2 ors .. Respondents**

...

Mrs.Yogita Deshmukh Chitnis for the petitioners.
Mr. Yashodeep Deshmukh with Ms.Oorja Dhond for MCGM.
Mr.Chandrakant N. Chavan for respondent no.3.
Mr.Amit Shastri, AGP for the State.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- FEBRUARY 22, 2021

PC :-

1 After the hearing of the petition progressed for some time, learned counsel for the petitioner seeks leave to withdraw this petition. Allowed to be withdrawn.

2 It is however, clarified that we have not examined any other rights of the parties and all contentions in that regard are kept open.

3 Disposed of. No order as to costs.

4 At this stage, the learned counsel for the petitioners also makes a statement that the petitioners would place on record of this Court by 26th February 2021, positively, an undertaking that they shall vacate the premises within a period of eight weeks from today. Statement is accepted. In the event such an undertaking is not furnished, the Municipal Corporation is free to take appropriate action as permissible in law in execution of the impugned notices.

5 It is also clarified that if any of the petitioners are occupying the premises, they are doing so at their own risk and consequences and in the event of any untoward incident of an unfortunate collapse, the MCGM and its officers or the landlord shall not be held liable.

6 Interim Application does not survive. It is accordingly disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)