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

**APPEAL FROM ORDER NO.503 OF 2021
WITH
INTERIM APPLICATION NO.4140 OF 2021**

Hansa Chandrakant Modi ..Appellant
vs.
The Municipal Corporation of Greater
Mumbai and anr. ..Respondents

**WITH
INTERIM APPLICATION NO.2654 OF 2022
IN
APPEAL FROM ORDER NO.503 OF 2021**

Ville Parle, Nirmal Bhuvan Premises
Co-operative Society Limited ..Appellant
vs.
Hansa Chandrakant Modi ..Respondent

**WITH
INTERIM APPLICATION NO.18914 OF 2022
IN
APPEAL FROM ORDER NO.503 OF 2021**

Ville Parle Kapole Utkarsh Mandal ..Appellant
vs.
Hansa Chandrakant Modi ..Respondent

Mr. Amogh Singh i/b. Ms. Renuka Kavedia for appellant.

Ms. Dhruti Kapadia a/w. Mr. R. Y. Sirsikar for respondent-
MCGM.

Mr. Rohaan Cama a/w. Mr. S. B. Pawar, Ms. Swati Sawant
i/b. S.K. Legal for applicants in IA/18914/2022.

Mr. Mayur Khandeparkar a/w. Mr. S. B. Pawar, Ms. Swati
Sawant i/b. S. K. Legal Associates for respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 17, 2022.

P.C. :

1. Heard learned counsel.
2. After arguing the matter for some time, learned counsel for the appellant on instructions of Mr. Manish Modi, who is the son of the appellant, present in the Court and also on the instructions of the appellant, seeks leave to withdraw the appeal. Learned counsel requested that considering that the appellant is 82 years and she being a lady, reasonable time may be given enabling her to vacate the suit premises.
3. I find that the interim order is operating in favour of the appellant from December 17, 2021 whereby she was permitted to occupy the suit structure/individual premises, at her own risk, cost and consequences. Further, the responsibility was cast on her in case of any unfortunate/unforeseen incident happening. On the appellant furnishing an undertaking within a period of one (1) week from today that she along with other occupants of the suit premises will vacate the suit premises within a period of sixty (60) days from today, the notice under Section 354 of the Mumbai Municipal Corporation Act shall not be acted upon for a period of sixty (60) days from today. The conditions imposed in the order dated December 17, 2021 to continue till appellant vacates.

4. It is further made clear that before carrying out demolition, the Corporation shall carry out the measurements in the presence of the appellant and/or her representative as regards the premises in her occupation. The Corporation to proceed as per the policy.

5. The appeal is allowed to be withdrawn and disposed of accordingly.

6. No costs.

7. In view of the disposal of the appeal, interim applications are also disposed of.

(M. S. KARNIK, J.)