

SALGAONKAR M M
Digitally signed by
SALGAONKAR M M
Date: 2022.03.23
16:30:03 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.219 OF 2020

WITH

INTERIM APPLICATION NO.3816 OF 2020

WITH

INTERIM APPLICATION (ST) NO.2015 OF 2021

Mohammed Sukkani s/o Moidin .. Appellant
Kunji

Versus

Municipal Corporation of Greater .. Respondent
Mumbai through Municipal
Commissioner

...

Mr.Aniket Tawde h/f Ms.Pallavi Desai for the Appellant.

Mr.Gauraj Shah with Ms.Vini Joshi i/b M/s.Chitnis Vaitthy &
Co. for the Respondent No.5.

Mr.Santosh Parad for the Respondent/MCGM.

...

CORAM: BHARATI DANGRE, J.

DATED : 21st MARCH, 2022

P.C:-

1. On the earlier date of hearing, the following order was
passed on 11/03/2022.

“1. A precipe is moved by the Respondent stating
that the suits have been withdrawn and that the
Appeals are rendered infructuous. Learned counsel
for the Appellant states that he has no instructions
regarding withdrawal of the appeal. He seeks time to
verify.

2. It is seen that order dated 23/10/2020 passed in Notice of Motion No.1357 of 2020 in Civil Suit No.1135 of 2020 is impugned in the present appeal. It is further seen that Appellant has annexed copy of the order dated 12/10/2021 in Civil Suit No.1136 of 2020. Counsel for the Appellant to replace the said order within one week.

3. Learned counsel for the Respondent also seeks leave to place on record copy of the withdrawal order passed by the learned Judge in both the suits. To be filed on or before the next date.”

2. Today, the learned counsel for the appellant has placed on record a copy of the order passed by the City Civil Court in Suit No.1135 of 2020 dated 18/01/2022. The order records that since the plaintiff is not desirous of prosecuting the suit, he has filed the application for it's withdrawal. The learned Judge, after verifying the identity of the plaintiff and also ascertaining the signature and the contents of the application, granted it's withdrawal. Since the present appeal arose out of the said suit and the suit being withdrawn, the present appeal deserves to be disposed off as infructuous. Accordingly, the appeal stands disposed off alongwith it's pending applications.

3. Needless to state that any interim orders in operation, shall stand vacated.

(SMT. BHARATI DANGRE, J.)