

Vidya Amin

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

WRIT PETITION NO. 3062 OF 2023

Tulsabai Ramesh Jamal ... Petitioner

Versus

The Bhiwandi Nijampur City Municipal Corporation ... Respondents
& Ors.

WITH

WRIT PETITION NO. 3063 OF 2023

Kalyani Ramesh Jamal ... Petitioner

Versus

The Bhiwandi Nijampur City Municipal Corporation ... Respondents
& Ors.

Mr. Sandeep Patade for the petitioner in both the petitions.

Mrs. M.P. Thakur, AGP for respondent no. 3 in WP/3062/2023.

Mrs. R.M. Shinde, AGP for respondent no. 2 in WP/3063/2023.

**CORAM: G. S. KULKARNI
& R.N. LADDHA, JJ.**

DATED: 09 March, 2023

P.C.

1. Not on board. Upon mentioning, taken on board on a praecipe as moved on behalf of the petitioner.
2. After these petitions were heard for sometime, learned counsel for the petitioners seeks leave to withdraw these petitions with liberty to file a Civil Suit.
3. Allowed to be withdrawn with liberty as prayed for.

4. All contentions of the parties are expressly kept open.
5. In the event the petitioners file the suit within ten days from today, then for a period of ten days, the Municipal Corporation shall not take any coercive action against the petitioners' structure. However, this shall be subject to the petitioners placing on record of this Court an undertaking that they shall in the meantime occupy the premises at their own risk and consequences and shall not hold the officer of the municipal corporation or any other third party liable for damages if any untoward incident happens.
6. It is further clarified that the grant of interim protection is in no manner any reflection on merits of the petitioners' case and/or the rival contentions of the parties.
7. In the event, the suit is filed or any application for temporary injunction thereon is made, the same shall be adjudicated by the Civil Court on its own merits.
8. If the Civil suit is not filed within a period of 10 days from today and an appropriate order is not obtained, the Municipal Corporation is free to proceed to implement/execute the notice as may be permissible in law.
9. Disposed of as withdrawn. No costs.

(R.N. LADDHA, J.)

(G. S. KULKARNI, J.)