

AGK

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

**FIRST APPEAL NO.283 OF 2013
WITH
CIVIL APPLICATION NO.974 OF 2013**

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2023.02.23
18:06:41
+0530

Sharpunnissa Moinuddin Khan & Anr. ... Appellants

V/s.

Municipal Corporation for Greater
Mumbai, through its Municipal
Commissioner & Anr. ... Respondents

Mr. Altaf Ahmed Shaikh with Shansher Ahmed & Naik
with Ms. Supriya Ghadge for the appellant.

Mr. Santosh Parad for the respondent/MCGM.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 23, 2023

P.C.:

1. After arguing the matter for some time, on objection being raised by the Municipal Corporation that the Civil Court had no jurisdiction to entertain the dispute which is the subject matter of suit, learned advocate for the appellant, on instructions from the appellant, seeks permission to withdraw the first appeal with liberty to adopt appropriate proceedings as are available in law.
2. The first appeal is disposed of as withdrawn with liberty as prayed for. No costs.
3. Since interim relief protecting structure of appellant was in

force during pendency of the suit and this first appeal, same is continued for six (6) weeks from today.

4. Considering the nature of challenge and the manner in which the suit and the first appeal has been prosecuted, the proceedings are treated as bona fide under section 14 of the Limitation Act. All contentions on merits are kept open.

(AMIT BORKAR, J.)