

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

**APPEAL FROM ORDER NO. 357 OF 2023
WITH
INTERIM APPLICATION NO. 4360 OF 2023**

Manjula Chintamani Mali ...Appellant
Versus
State of Maharashtra through Government
Pleader ...Respondent

Mr. Pradeep Salgar, i/b Kaustubh Thipsay, for the Appellant.
Mr. A. R. Patil, AGP for the State.

**CORAM: N. J. JAMADAR, J.
DATED : 19th JUNE, 2023**

PC:-

1. Heard the learned Counsel for the appellant.
2. The learned Counsel for the appellant seeks leave to tender the affidavit sworn by the appellant to withdraw the appeal.

Leave granted.

Affidavit is taken on record.

3. Paragraphs 5 to 7 of the affidavit read as under:

“5. I say that I have challenged the judgment and order dated 24/02/2022 passed by the Dy. Collector, Borivali by way of Appeal before the Divisional Commissioner under Section 247 of Maharashtra Land Revenue Code, 1966 which is statutory remedy available with me. I further say that I

have filed the application for stay in that said appeal before the Divisional Commissioner.

6. I say that in view of the above preferred remedy I am desirous to withdraw Suit No.247 of 2022 and consequently the captioned Appeal From Order No.357 of 2023 also.

7. I say that the Appeal From Order No.357 of 2023 may be disposed of as withdrawn. I further say that all my contentions be kept open in all the pending proceedings.”

4. In view of the aforesaid statements in the affidavit, the appeal stands dismissed as withdrawn.

5. In view of dismissal of the appeal, interim application does not survive and stands disposed.

6. Suit No.247 of 2022 also stands disposed as withdrawn.

[N. J. JAMADAR, J.]