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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1126 OF 2022
IN
NOTICE OF MOTION NO. 3693 OF 2022
IN
L.C. SUIT NO. 944 OF 2020
WITH
INTERIM APPLICATION NO. 30099 OF 2022
IN
APPEAL FROM ORDER NO. 1126 OF 2022
IN
NOTICE OF MOTION NO. 2448 OF 2022
IN
L.C. SUIT NO. 944 OF 2020**

Ashwin Kantibhai Mistry and another

... Appellants

Versus

The Municipal Corporation of Greater
Bombay and others

...Respondents

Mr. Kezer Kharwal, Mr. Prodosh Patil i/b Lex Juris for the
Appellants.

Mr. Shailendra Mishra ii/b Mr. Sharad Rai for Respondents Nos.
3.

Mr. R. Y. Sirsikar for MCGM.

**CORAM: G. S. KULKARNI, J.
DATED: JANUARY 23, 2023**

P.C.

- 1.** Not on board. Upon mentioning taken on board on a
praecipe as moved on behalf of the appellants/applicants.
- 2.** After appeal was heard for some time, learned counsel
for the appellant on instructions of appellant who is present in

the court seeks leave to withdraw the appeal with liberty to file appropriate application in the pending suit.

3. Appeal is allowed to be withdrawn as prayed for. All contentions are expressly kept open.

4. Ad-interim relief granted earlier shall stand vacated forthwith.

5. Interim application will not survive. Same is disposed of accordingly.

(G. S. KULKARNI, J)