

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 3441 OF 2018
WITH
CHAMBER SUMMONS NO. 15 OF 2019
WITH
CHAMBER SUMMONS (LODGING) NO. 52 OF 2019**

M/s. Grace and Rubberwala City ... Petitioners
Developers and Anr.

V/s.

The Municipal Corporation of Greater ... Respondents
Mumbai and Ors.

**WITH
INTERIM APPLICATION (I) NO. 14168 OF 2022**

Ansari Mohd. Tahir Mohd Sadique and ... Petitioners
12 Ors.

V/s.

Grace and Rubberwala City Developers ... Respondents
and 5 Ors.

Ms. N.N. Thakur I.by Ms. Swapna Roopavate for Petitioners.

Mr. Kunal Waghmare for MCGM.

Mr. Anil Mishra for Intervener in CHSW/15/2019.

Mr. Hemant Sharma I.by Mr. Chirag Thakkar for Intervener in
IAL/14168/2022.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 6TH JANUARY 2023.

PC. :

. Heard learned counsel for the petitioners, learned counsel for the Corporation and learned counsel for the Intervener.

2. Learned counsel for the petitioners, on instructions, seeks leave of the Court to withdraw the Petition. Learned counsel for the Corporation has no objection. Further, the learned counsel for the Intervener submits that even though corporation does not object to the withdrawal of the petition, Intervener would give no objection for withdrawal of the petition only subject to obtaining of new LOI from the Corporation. He further submits that if any leave is to be granted, same must be made subject to issuance of fresh LOI by the Corporation.

3. We are of the opinion that such condition as desired by the Intervenor cannot be imposed. If petitioners seek withdrawal of the petition, any respondent or for that matter an Intervener cannot object to withdrawal of the petition or cannot say that same be made subject to issuance of fresh LOI by the Corporation. If at all any fresh LOI is to be issued, it is for the Corporation to consider and decide it on its own merits.

4. In this view of the matter, we grant leave to the petitioner to withdraw the petition. Petition is accordingly disposed of as withdrawn.

5. In view of the disposal of the petition, Chamber Summons and Interim Application pending in the petition do not survive and are accordingly disposed of.

(M.W. CHANDWANI, J)

(SUNIL B. SHUKRE, J)