

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO. 163 OF 2023
IN
SECOND APPEAL NO. 382 OF 2012

Mangla W/o. Arun Deshpande

...VERSUS...

Nagpur Municipal Corporation thr. its Commissioner, Civil Lines, Nagpur

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri R.A.Bhandakkar, Advocate h/f. Shri C.S.Dharmadhikari, Advocate for
applicant/appellant.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 03rd FEBRUARY, 2023

The present application is filed seeking leave to withdraw the present Second Appeal in the light of subsequent event.

2. The respondent vide notice dated 29/06/1999 asked the appellant to stop and immediately close her Health Club on the lease plot. The appellant had preferred the Regular Civil Suit No. 1112/1999 before learned Jt. Civil Judge, Junior Division, Nagpur seeking declaration that the said notice is illegal and prayed for permanent injunction. The suit was decreed on 30/06/2010 in favour of the plaintiff (present appellant). Thereafter, the respondent preferred the appeal bearing RCA No. 474/2010 before learned District Judge-3, Nagpur which came to be allowed on 17/18.04.2012 and set aside the judgment and Decree passed by the learned Trial Court. Being aggrieved by the same, the present Second Appeal is filed by the appellant.

3. By this application, it is submitted by the appellant that the appellant has closed down her business and stopped using the suit premises as Health Club/Gymnasium with effect from 15/01/2022 and also removed all equipments from the said premises. In view thereof, nothing survives in the appeal and permission is sought to withdraw the same.

4. The appellant is present in person in the Court. The application is supported by the affidavit. In view thereof, the statement made in the application, is accepted and the appellant is permitted to withdraw the present Second Appeal.

5. Accordingly, the appeal stands disposed of as withdrawn.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar