

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 388 OF 2024
WITH
INTERIM APPLICATION NO. 8923 OF 2024

Mr. Farooque Hidayatullah Khan alias
Farooque Hidayatullah Housildar ...Appellant

Versus

The Municipal Corporation of Greater
Mumbai ...Respondent

SNEHA
NITIN
CHAVAN

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NITIN CHAVAN
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Ms. Iram Menon a/w Tushar Agrawal i/b Mulani and Co. for the
Appellate.

Mr. Jimmy Pochkhanawalla, Senior Advocate a/w R.Y. Sirsikar for
the Respondent/Corporation.

Mr. Nishant Sashidharan a/w Chittesh Dalmia for Cavetor/Society.

CORAM : M.M. SATHAYE, J.
DATE : 28 MAY 2024
(VACATION COURT)

P.C. :

. Today when the matter is called out, learned senior Advocate for the Respondent/Municipal Corporation tenders the affidavit affirmed on 24.05.2024 on behalf of the Municipal Corporation, to be filed in the proceedings, in compliance with Clause 7 of the Order dated 17.05.2024. The same is taken on record.

2. The learned counsel for the Appellant is already served with

copy of the said affidavit. She states that the subject matter structure and the vacant land on which the structure stood, has been handed over to the Municipal Corporation. The learned counsel for the Municipal Corporation confirms this position. Both the parties are *ad idem* that the subject matter structure has been demolished.

3. In that view of the matter, learned counsel for the Appellant seeks leave to withdraw the present Appeal From Order, as the same has become infructuous.

4. Appeal From Order is accordingly dismissed as withdrawn. In view of the disposal of the Appeal from Order, pending Interim Application is also dismissed.

5. All concerned to act on duly authenticated/digitally signed copy of this order.

(M.M. SATHAYE, J.)