

structure was already demolished by the corporation in December 2024. He submits that the appellant shall vacate the remaining suit structure alongwith the family members and remove unauthorised construction on her own within four weeks from today.

4. Learned counsel for the appellant has tendered affidavit-cum-undertaking dated 8th April 2025. The affidavit-cum-undertaking is taken on record. The assurances given in the affidavit-cum-undertaking are accepted as an undertaking to this court.

5. Learned counsel for the appellant submits that in view of the affidavit-cum-undertaking for removal of suit structure nothing survives in the suit. Learned counsel for the appellant on instructions of the appellant who is present in the court seeks leave to withdraw the present appeal and the suit with liberty to file an appropriate suit to protect her right in respect of the land where the suit structure is situated.

6. Learned counsel for the corporation submits that the appellant be granted time to remove the structure at the risk of the appellant and in any event, if an untoward incident occurs in view of a partially demolished structure, the responsibility would be entirely on the appellant.

7. In view of the aforesaid, the appellant is granted time of four

weeks from today to vacate and demolish the suit structure at the risk of the appellant. In case of any untoward incident, the appellant shall be solely responsible. The appellant is granted leave to withdraw this appeal as well as the suit with liberty to file appropriate proceedings as permissible in law to protect her right if any, in the land beneath the suit structure.

8. Appeal is disposed of in the aforesaid terms. In view of disposal of the appeal, the pending application is disposed of as infructuous.

9. It is clarified that in the event, the appellant fails to comply with the undertaking as recorded above, the corporation will be at liberty to implement the impugned notice and the order on expiry of the period of four weeks, as granted by this order.

(GAURI GODSE, J.)