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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.232 OF 2015 IN
WRIT PETITION NO.1581 OF 2014

Rajesh Jethanand Asar & Ors.	...Applicants
<u>In the matter of</u>	
Rajesh Jethanand Asar & Ors.	...Petitioners
vs.	
Mumbai Municipal Corporation	
of Greater Mumbai & Anr.	...Respondents

Mr.H.S.Deshpande for the applicants
Mr.Vinod Mahadik for MMC
Mr.A.M.Saraogi for the respondent No.12

CORAM : A.S.OKA, &
REVATI MOHITE DERE,JJ.
DATE : JUNE 16, 2015

P.C.:

1 Heard the learned counsel for the applicants who are the writ petitioners in support of the Notice of Motion. The learned counsel for the second respondent tenders a reply of the second respondent and opposes the prayer for restoration of the Writ Petition.

2 The writ petition filed by the applicants was dismissed for non prosecution on 23rd March 2015 as none appeared for them. We have perused the affidavit in support of the first applicant. In view of what is set out in the paragraphs 5 and 6 of the affidavit in support, a case for restoration of the writ petition is made out. There is also a

prayer for restoration of ad-interim relief. Under order dated 3rd November 2014 by which ad-interim relief was granted in the writ petition, a direction was issued to the applicant to file undertakings. However, an undertaking has been filed only by the first applicant.

3 Ad-interim relief can be restored provided the other applicants file undertakings in terms of the said order of this Court.

4 Accordingly, we pass the following order:

- (I) Notice of Motion is made absolute in terms of prayer clauses (a) and (b);
- (II) If the applicant Nos.2 to 5 fail to file undertakings in terms of the order dated 3rd November 2014 on or before 26th June 2015, the ad-interim relief shall stand vacated without further reference to the Court;
- (III) Place the petition on 29th June 2015 under the caption 'Fresh Matters'.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)