

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 401 OF 2017
IN
CIVIL APPLICATION NO. 3000 OF 2016
IN
WRIT PETITION NO. 4204 OF 1997

The Municipal Corporation

of Greater Mumbai

... Applicant / Petitioner

Versus

Bombay Municipal Nursing &

Paramedical Staff Union and Ors.

... Respondents

Mr. N.V. Walawalkar, Sr. Adv. a/w. Mr. Vinod Mahadik i/b. Mr. N.A. Shaikh for the
Applicant / Petitioner.

None for the Respondents.

CORAM : S.J. KATHAWALLA, J.
DATED : 15TH NOVEMBER, 2017

P.C.:

1. By Civil Application No. 401 of 2017, the Applicant / Petitioner seeks
the following reliefs :

“(a) to restore Civil Application No. 3000 of 2016

(b) to restore Writ Petition No. 4204 of 1997

*(c) during the pendency of the Civil Application, to stay the
operation, implementation and execution of the Judgment and
Order dated 29th July, 1997 passed by the Respondent No. 22 i.e.
Shri R.N. Gawande, Arbitrator T Ward in Complaint (ULP) No.*

810 of 1999.”

2. The Affidavit proving service of Civil Application No. 401 of 2017, dated 11th April, 2017 is on record. However, none appear for the Respondents. The Respondents have not filed any Affidavit in Reply to Civil Application No. 401 of 2017. In view thereof, what is stated in Civil Application No. 401 of 2017, has remained uncontroverted.
3. For the reasons set out in Civil Application No. 401 of 2017, the same is allowed, Civil Application No. 3000 of 2016 as well as the above Writ Petition are restored to file.
4. Place the above Writ Petition for directions on 22nd November, 2017 at 03.00 p.m.
5. In the meantime, the ad-interim / interim order passed earlier shall continue to be in force.
6. The above Civil Applications are accordingly disposed off.

(S.J.KATHAWALLA, J.)