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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 178 OF 2017
IN
WRIT PETITION (L) No. 1530 OF 2016

Vilas Sonu Khandeshi … Applicant

In the matter between :

Mrs. Begum Anwar Jahan & Ors. … Petitioners
Vs.
The Assistant Municipal Commissioner,
K / West Ward Office Andheri Mumbai,
and Anr. … Respondents

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Mr. P. G. Lad a/w Aparna Murlidharan, for the Applicant.

Mr. Harinder Toor a/w Sagar Patil, for the Respondent - BMC.

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CORAM : V. M. KANADE, &
C. V. BHADANG, JJ.

DATE : APRIL 7, 2017

PC.

1. An order passed by the Prothonotary and Senior Master dated 25th October, 2016 under Rule 986 of the Original Side Rules is set aside for the reasons stated in the affidavit filed in support of the motion and Writ Petition (L) No. 1530 of 2016 is restored to the file.

Notice of motion is accordingly allowed and disposed in terms of prayer clause (a)

2. Mr. Harinder Toor, the learned counsel appearing for the Respondent – Corporation has filed affidavit in reply. He has raised a preliminary objection regarding filing of the petition on behalf of Petitioner No. 1. It is submitted that Petitioner No. 1 may be directed to remain present in the Court since it is their case that Petitioner No. 1 is not in existence. It is submitted that Petitioner Nos. 3 to 8 are filing this petition through Petitioner No. 1.

3. This being the objection raised by the Respondent, Petitioner No. 1 shall remain present on the next date and explain and point out whether Petitioner No. 1 is in existence and in what capacity she has filed the petition for Petitioner Nos. 3 to 8. S.O. to 28th April, 2017. Interim relief, if any, to continue till then.

Sd/-
[C. V. BHADANG, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath