

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (ST.) NO.22463 OF 2016

IN

WRIT PETITION NO.702 OF 2015

The Municipal Corporation of Greater Mumbai ... Petitioner

Vs.

Ganesh Narayan Vaze and others ... Respondents

Mr. R. S. Apte, Senior Advocate a/w. Mr. Vinod Mahadik i/b. Mr. Nasir Ali Shaikh for Petitioner.

Mr. Santosh Jagtap i/b. Ms Ranjana Todankar for Respondent No.3.

CORAM : R. G. KETKAR, J.

DATE : FEBRUARY 21, 2018

(In Chambers at 2.35 p.m.)

P.C. :

At the joint request of the learned Counsel for the parties, Review Petition (St.) No.22463 of 2016 is taken up for admission.

2. Heard Mr. Apte, learned Senior Counsel for the petitioner and Mr. Jagtap, learned Counsel for the respondent No.3.

3. By this Petition under Section 114 read with Order XLVII, Rule 1 of the Code of Civil Procedure, 1908, petitioner has sought review of order dated 13.02.2015 passed in Writ Petition No.702 of 2015. By that order, Petition instituted by the petitioner herein was partly allowed.

4. It is not in dispute that against the decision rendered in Writ Petition No.702 of 2015 and other companion matters, petitioner filed Special Leave Petitions in the Apex Court. Mr. Jagtap submits that Special Leave Petitions CC Nos.4508-4511 of 2016 were dismissed. Insofar as Special Leave Petitions CC No.4598-4601 of 2016 are

concerned, liberty was reserved to the petitioner to approach this Court by way of appropriate application for clarification / review on the ground that the grant was only to the extent of 60% and the liability of the school was 40%. He submitted that S.L.P. CC No.4598-4601 of 2016 arose out of Writ Petitions No.709, 703, 706 and 708 of 2015. In other words, no liberty was given to the petitioners to seek review of the order passed in Writ Petition No.702 of 2015. In view thereof and even otherwise, after perusing the Petition, no ground is made out seeking review of order passed in Writ Petition No.702 of 2015. Hence, Petition fails and the same is dismissed. Order accordingly.

(R. G. KETKAR, J.)

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