

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4002 OF 2016
IN
FIRST APPEAL NO. 1243 OF 2009**

Purushottam N. Patel .. Applicant
Vs.
The Municipal Corporation of
Greater Mumbai .. Respondent

**WITH
CIVIL APPLICATION NO. 4000 OF 2016
IN
FIRST APPEAL NO. 1238 OF 2009**

Purushottam N. Patel .. Applicant
Vs.
The Municipal Corporation of
Greater Mumbai .. Respondent

Ms.Aditi Naikare, Advocate I/b Mr.Pradeep J. Thorat, Advocate for
applicant/appellant.

Ms.Oorja Dhond, Advocate for MCGM.

**CORAM : A.S. CHANDURKAR, J.
DATE : 19TH DECEMBER 2018**

P.C.

CIVIL APPLICATION NO. 4000 OF 2016

1 The prayer is to restore the first appeal which was dismissed for failure to file private paper-book. The reasons mentioned for dismissal are stated in paragraphs 3 and 4 of the application. The prayer as made is opposed by the learned counsel for the respondent.

2 Considering the fact that the appeal was dismissed on account of failure to file private paper-book, an adjudication on merits is warranted. Hence, the civil application is allowed in terms of prayer clauses (a) and (b) and accordingly disposed of. The first appeal is restored to file. Paper-book be filed within a period of four weeks from today with copy being served on the other side.

CIVIL APPLICATION NO. 4002 OF 2016

1 The prayer is to restore the first appeal which was dismissed for failure to file private paper-book. The reasons mentioned for the dismissal are stated in paragraphs 3 and 4 of the application. The prayer as made is opposed by the learned counsel for the respondent.

2 Considering the fact that the appeal was dismissed on account of failure to file private paper-book, an adjudication on merits is warranted. Hence, the civil application is allowed in terms of prayer clauses (a) and (b) and accordingly disposed of. The first appeal is restored to file. Paper-book be filed within a period of four weeks from today with copy being served on the other side.

(A.S. CHANDURKAR, J.)