

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

**INTERIM APPLICATION NO. 01 OF 2020
IN
WRIT PETITION NO. 493 OF 2016**

Municipal Corporation of Greater Mumbai ..Applicant.

IN THE MATTER BETWEEN

Ganesh Devendra & Ors. ..Petitioners

Versus

State of Maharashtra & Ors. ..Respondents

Mr. Rohit P. Mahadik i/b. Amogh K. Karandikar, for
Petitioners.

Mr. Kedar Dighe, A.G.P.

Mr. Saurabh Pakale a/w. Mr. R. Y. Sirsikar for MCGM.

CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.

DATED : 13th FEBRUARY, 2020.

PC :

1. Today the matter is shown on production board pursuant to the praecipe dated 05/02/2020 filed by the learned Advocate for the Respondent No.6.
2. Heard the learned counsel for the parties.
3. Learned Counsel for the applicant submits that, this court by order dated 09/12/2019 passed conditional order directing the Corporation to file affidavit in reply, if any, on or before 10/01/2020 with copy to other side, failing which they will pay cost of Rs.20,000/- to the petitioner.

4. Learned counsel for the applicant submits that, by this Interim application they are seeking recalling of said order. He submits that, there was delay on their part to file affidavit in reply within time because of genuine reason. He submits that the affidavit in reply was ready, but the concerned officer was not present for affirmation of said affidavit in reply. Hence, there was delay.

5. Considering the submissions made by the learned counsel for the applicant and the averments made in the application, we do not find any reason to recall the order dated 09/12/2019.

6. Hence, the following order:

1. The Interim Application stands rejected.
2. The Applicant-Corporation is directed to comply with the order dated 09/12/2019 i.e. to pay cost of Rs.20,000/- to the petitioner on or before 29/02/2020 and place on record the receipt to that effect.
3. The Registry is directed to place this matter on board for direction, if receipt is not filed within time, so that the court can pass an appropriate order for recovery of said amount.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)