

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1315 OF 2019

IN

CIVIL APPLICATION NO. 47 OF 2019

IN

PUBLIC INTEREST LITIGATION NO. 93 OF 2016

Shri Bhiva Kashinath Mhatre

.. Applicant

In the matter between

Shri Bhiva Kashinath Mhatre

... Petitioner

vs.

M/s. Adhiraj Builders & Developers & ors.

... Respondents

Mr. Idris M. Vohra i/b Mr. Vinod Shinde, for Applicant.

Mr. Sameer Pandit a/w Ms. Krina Gandhi i/b Wadia Ghandy & Co., for
Respondent No. 1.

CORAM : A. K. MENON , J. &

M.S. KARNIK , J.

DATED : 8th JULY, 2022

P.C. :

Interim Application No. 1315 of 2019

1. The interim application seeks restoration of civil application no. 47 of 2019 which in turn, seeks restoration of Public Interest Litigation.
2. The application is opposed on behalf of respondent no. 1.
3. Heard learned counsel for the parties.
4. Perused the interim application as well as civil application no. 47 of

2019. In our view, considering the reasons provided and after hearing learned counsel for the parties, we are inclined to set aside the order of dismissal of Public Interest Litigation subject to payment of costs of Rs.20,000/- within a period of one week from today.

5. Accordingly, interim application is allowed in terms of prayer clauses 12.1.

6. If the costs is not paid, this order shall stand vacated. No further application for restoration shall be entertained.

7. Interim Application is disposed of.

Civil Application No. 47 of 2019

1. This is an application for restoration of Public Interest Litigation.

2. For the reasons stated in the application, application is allowed in terms of prayer clauses 9.1.

3. Civil Application is disposed of.

(M. S. KARNIK, J.)

(A. K. MENON, J.)