

Santosh

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

**INTERIM APPLICATION NO. 3365 OF 2023
IN
APPEAL FROM ORDER NO. 253 OF 2022**

SANTOSH
SUBHASH
KULKARNI

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KULKARNI
Date: 2023.04.10
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Shaikh Maqsood Ahmed & anr.

...Applicants/
Appellants

Versus

Municipal Corporation of Greater Mumbai

...Respondent

Mr. Virendra Dubey, for the Applicants.

Ms. Smita Tondwalkar, for the MCGM/Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 5th APRIL, 2023

PC:-

1. Heard the learned Counsel for the applicants.
2. This application is taken out by the applicant to set aside the order dated 24th January, 2023, whereby the Appeal from Order No.253 of 2022 with Interim Application No.655 of 2023 and Interim Application No.1754 of 2022 came to be dismissed for want of prosecution. The learned Counsel for the applicant submits that the applicants were unaware of the listing of the matters on 24th January, 2023 as the matter was not listed on the scheduled date.

3. For the reasons assigned in the application and to advance the cause of substantive justice order dated 24th January, 2023 stands set aside.

4. Appeal from Order No.253 of 2022 along with Interim Application No.655 of 2023 and Interim Application No.1754 of 2022 stand restored to file.

5. Application stands disposed.

[N. J. JAMADAR, J.]