

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

**INTERIM APPLICATION NO.13575 OF 2023  
IN  
APPEAL FROM ORDER NO. 839 OF 2022**

SANTOSH  
SUBHASH  
KULKARNI

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|-----------------------------------------|---------------|
| Zahid Hussain Baloch                    | ...Applicant  |
| <b>In the matter between</b>            |               |
| Zahid Hussain Baloch                    | ...Appellant  |
| <b>Versus</b>                           |               |
| Municipal Corporation of Greater Mumbai | ...Respondent |

Mr. D. R. Singh, i/b S. H. Singh, for the Appellant.  
Ms. Druti Kapadia, for the MCGM/Respondent.

**CORAM: N. J. JAMADAR, J.**

**DATED : 19<sup>th</sup> JULY, 2023**

**PC:-**

1. Heard the learned Counsel for the parties.
2. This application is preferred to set aside the order of dismissal of appeal dated 7<sup>th</sup> June, 2023, passed by this Court for want of appearance of the appellant. It is true the appellant has not appeared on a couple of dates and, therefore, the Court was constrained to pass the order of dismissal of the appeal for want of prosecution. In the application, the applicant has ascribed certain reasons for non-appearance. In any event, it serves cause of public justice to decide the matter on merits rather than dismissing the appeal for want of prosecution.

3. The application thus stands allowed subject to payment of costs of Rs.10,000/- to the Maharashtra State Legal Services Authority, within a period of two weeks.
4. Appeal and interim application stand restored.
5. Appeal and interim application be listed on 9<sup>th</sup> August, 2023.
6. Ad-interim relief granted by this Court, by an order dated 25<sup>th</sup> August, 2022, shall continue to operate till next date.

**[N. J. JAMADAR, J.]**