

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

**INTERIM APPLICATION NO.17260 OF 2023
IN
FIRST APPEAL NO.1060 OF 2023**

M/s. A. Gafoor And Company
Thr. Its Partner Hifzur Rehman
Abdul Hamid Ansari ...Applicant
Versus
Municipal Corporation of Greater Mumbai ...Respondent

Mr. Ashok Pande a/w Adv. Deepanjali Mishra for the Appellant.
Mr. R.Y. Sirsikar for Respondent No.1 – MCGM.

CORAM : RAJESH S. PATIL, J.

DATED : 10 NOVEMBER, 2023

P.C.:

1. This Interim Application is filed in a disposed of the First Appeal.
2. By an Order dated 10 October, 2023 the First Appeal was disposed of as the First Appeal challenged the Judgment and Order dated 6 May, 2023 passed by City Civil Court Bombay. As the proceedings arise under Section 354(A) of the Municipal Corporation of Greater Mumbai, Act (for short MCGM, Act) and a further notice under Section 351 of MCGM, Act was issued nothing survived in the First Appeal.

3. The present Interim Application is filed as the Advocate for the Appellant submit that on 10 October, 2023, he made an incorrect statement, under a *bona fide* belief that a reply to the notice issued under Section 351 was not filed. He now submits that his client which is a partnership firm informs him that in fact reply to the notice issued under Section 351 was already filed. But MCGM did not communicate any speaking order them.

4. Paragraph No.5 of Order date 10 October, 2023 passed in Interim Application No.12817 of 2023, be corrected by deleting Paragraph No.5. Rest of the order remains the same.

5. Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)