

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO. 11 OF 2022
IN
WRIT PETITION NO. 1547 OF 2012

The Municipal Commissioner, Municipal ...Petitioners
Corporation of Greater Mumbai & Another
Versus
Trombay Taluka Social Cultural Educational And ...Respondents
Charitable Trust Through Waseem Javed Khan &
Ors

WITH
CONTEMPT PETITION NO. 45 OF 2022
IN
WRIT PETITION NO. 1547 OF 2022

Trombay Taluka Social Cultural Educational AndPetitioner
Charitable Trust Through Waseem Javed Khan &
Ors

ARUN
RAMCHNDRA
SANKPAL

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RAMCHNDRA
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Versus
The Municipal Commissioner, Municipal ...Respondents
Corporation of Greater Mumbai & Another

Mr Anil Sakhare, Senior Advocate, with Sagar Patil, for the
Petitioner in RPW/11/2022 and Original Respondent in
WP/1547/2022.

Mr Prateek Seksaria, Senior Advocate, i/b Ashok T Gade & Riya
John, for the Respondent No.1 in RPW/11/2022 and Original
Petitioner in WP/1547/2022.

Mrs Uma Palsuledesai, AGP, for Respondents Nos. 2 & 6-State.

Mr PG Lad, with Shreya Shah, for MHADA-Respondents Nos. 3, 4 & 5.

Mr Anil R Mishra, for Respondent No. 8.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 18th April 2023**

PC:-

1. Heard.

2. In the Review Petition a clarification is sought on the basis that in paragraph 3 of our order of 29th March 2022 (sought to be reviewed), we referred to a document of 2015 by which the original Writ Petitioner was said to have paid a renewal charges against a particular receipt No. 2374956 dated 23rd June 2015. Mr Sakhare points out that a copy of this receipt is at Exhibit “C” at page 68 of the Writ Petition.

3. In the Affidavit in Reply to the Review Petition the original Writ Petitioners have accepted that this receipt pertains to some other property.

4. That should make no difference to the order because no part of the order or its reasoning is based on this receipt. That is only part of a factual narrative and does not affect the overall outcome. To view it differently, even if the reference to the receipt is removed entirely, the rest of the order will remain unaffected.

5. In this view of the matter, while accepting that the receipt refers to another property, we do not believe that there is any ground made out for review of the order of 29th March 2022 either under Section 114 or Order 47 of the Code of Civil Procedure, 1908.

6. The Review Petition is accordingly dismissed. No costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)