

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INTERIM APPLICATION NO.1528 OF 2021

IN

REVIEW PETITION (LODGING) NO.45 OF 2019

IN

WRIT PETITION NO.2005 OF 2014

Municipal Corporation of Greater Mumbai

.. Applicant

In the matter between

Municipal Corporation of Greater Mumbai

.. Review Petitioner

Vs.

F.E. Dinshaw Trust, Mumbai and Ors.

.. Respondents

Mr. S.U. Kamdar, Sr. Advocate, with Mr. R.M. Hajare, i/by Mr. Sunil Sonawane,
for the Review Petitioner-MCGM.

Mr. Navroz Seervai, Sr. Advocate, with Mr. Girish Godbole, Sr. Advocate, Ms.
Rujuta Patil and Mr. Yohaana Shah, i/by Negandhi, Shah & Himayatullah, for
Respondent No.1.

CORAM : SUNIL B. SHUKRE & R.I. CHAGLA, JJ

DATE : 19TH JUNE, 2023.

[IN COURT AT 4.30 P.M.]

P.C. :

1. Heard learned counsel for the parties.
2. Amendments sought to be carried out are only elaboration of the grounds additionally taken by the review petitioner when the petitioner's first amendment application was allowed by this court on 3rd July 2021 and, therefore, we see no reason to reject this application.
3. Accordingly, we pass the following order :-
 - (i) The interim application is allowed. Amendments be carried out within one week from today and copy of the amended review petition be furnished to the other side.

- (ii) The other side shall be at liberty to file reply to the amended review petition, opposing all the grounds taken and the amendments now being effected, within a period of one week from the date of receipt of copy of the amended review petition.
- (iii) The petitioner may file rejoinder to the reply within one week thereafter.
- (iv) This is without prejudice to the rights of the original petitioner to oppose the petition on various grounds including the grounds relating to bar of the review petition by virtue of the principles of res judicata and estoppel.
- (v) All contentions are kept open.
- (vi) If pleadings are complete on the next date, this review petition would be taken up for final disposal.
- (vii) List the review petition on 17th July 2023 at 4:35 p.m.

4. Interim Application is disposed of in the above terms.

[R.I. CHAGLA, J.]

[SUNIL B. SHUKRE, J.]