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

**INTERIM APPLICATION NO. 9280 OF 2025
IN
APPEAL FROM ORDER NO. 122 OF 2024**

Municipal Corporation of Greater MumbaiApplicants
and anr

Vs.

Narendra Rameshwarlal BahetiRespondent

Mr. Girish Godbole, Senior Advocate a/w Ms. Neeta Jadhav i/b
Ms. Komal Punjabi for applicants
Mr. Kaustubh Patil (through VC) for respondent

CORAM : GAURI GODSE, J.

DATE : 26th JUNE 2025

ORDER:

1. Not on board. Taken on production board.
2. This application is moved by the Corporation to recall the common order dated 7th April 2025 passed in three connected Appeal From Orders. Learned senior counsel appearing for the applicant-corporation submits that the appeals filed were disposed of as infructuous on a statement made on behalf of the original plaintiff that the suits are withdrawn rendering the appeal

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infructuous. He further submits that out of three suits, only two suits are withdrawn and Suit No. 4164 of 2024 is still pending. He, therefore, submits that Appeal From Order No. 122 of 2024 arising out of the pending suit would not render infructuous and will have to be heard.

3. Learned counsel for the plaintiff agrees with the statement. Hence, the order dated 7th April 2024 is modified to the extent of the order in Appeal From Order No. 122 of 2024 and the pending interim applications in that appeal. The order dated 7th April 2025 is restricted only to the extent of Appeal From Order No. 120 of 2024 and Appeal From Order No. 123 of 2024. Appeal From Order No. 122 of 2024 alongwith pending interim applications are restored to the file.

4. List Appeal From Order No. 122 of 2024 for admission on 29th July 2025. To be listed high on board in the caption of 'Admission'.

5. Interim application is allowed in aforesaid terms.

[GAURI GODSE, J.]