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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2741 OF 2025

IN

WRIT PETITION NO. 2287 OF 2018

Sushila Khimji Rambhia

...Petitioner

Versus

Bombay Municipal Corporation And 2 Ors.

...Respondents

Mr. Sharad Bansal a/w. Ms. Vaishali Sharma i/b. Harakhchand & Co.,
for Petitioner.

Ms. Meena Dhuri i/b. Ms. Komal Punjabi, for Respondent No.1 - BMC.

Mr. Ashok Jain a/w. Ms. Shruti Rajput i/b. A.V.Jain Associates, for
Respondent No.2.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 16th September 2025

P.C.

1. We are informed by learned counsel for the Respondent No.2 that appropriate steps are being taken in pursuance of the Consent Terms entered between the parties and in terms of the Order of this Court dated 5th September 2022, in which accepting such Consent Terms, the Petition itself was disposed of.

2. Although we have made such observations which is on the fair stand taken by Respondent No.2, we may also observe that this Interim Application which is filed in a disposed of Writ Petition is certainly not maintainable, considering the well settled principles of law in the **State of UP Vs. Brahm Datt**

Sharma, AIR 1987 Supreme Court 943, it has been held by the Apex Court as follows:

“No miscellaneous application could be filed in the writ petition to revive proceedings in respect of subsequent events after two years. If the respondent was aggrieved by the notice dated 29-1-86 he could have filed a separate petition under Art. 226 of the Constitution challenging the validity of the notice as it provided a separate cause of action to him. The respondent was not entitled to assail validity of the notice before the High Court by means of a miscellaneous application in the writ petition which had already been decided. The High Court had no jurisdiction to entertain the application as no proceedings were pending before it. The High Court committed error in entertaining the respondent's application which was founded on a separate cause of action. When proceedings stand terminated by final disposal of writ petition it is not open to the Court to reopen the proceedings by means of a miscellaneous application in respect of a matter which provided a fresh cause of action. If this principle is not followed there would be confusion and chaos and the finality of proceedings would cease to have any meaning.”(emphasis supplied)

3. Interim Application stands disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)