

ITEM NO.19

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 3410/2017

(Arising out of impugned final judgment and order dated 16/06/2016 in WP No.2824/2016 passed by the High Court of Bombay at Aurangabad)

PATHARDI MUNICIPAL COUNCIL THR ITS CHIEF OFFICER Petitioner(s)

VERSUS

RAMESH RAMNATH MANTRI AND ORS. Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned order and exemption from filing O.T. and interim relief and office report)

Date : 31/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Amol B. Karande, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Amol B. Karande, learned counsel for the petitioner.

It is submitted by him that the High Court has fallen into error in not taking note of the decision in Prafulla C. Dave & Ors. vs. Municipal Commissioner & Ors. [AIR 2015 SC 426]. On a perusal of the order, we find that the said decision was not cited before the High Court.

In view of the aforesaid, we permit the petitioner to file an application for review within four weeks hence. On such an

application being filed, the same shall be disposed of on merits. Be it noted, we have not expressed any opinion on the merits of the case. In case the petitioner does not succeed in review, liberty is granted to the petitioner to challenge the main order as well as the order passed in review.

The special leave petition is accordingly disposed of.

(Gulshan Kumar Arora)
Court Master

(Madhu Narula)
Court Master