

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

**INTERIM APPLICATION (L) NO. 13933 OF 2021
IN
WRIT PETITION NO. 820 OF 2021**

Chandrakant Ganpat Kamble ... Applicant/Petitioner

Versus

The Commissioner, Bombay
Municipal Corporation & Ors. ... Respondents

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Mr. Vishwajit Sagare for the Applicant/Petitioner.
Ms. P.H. Kantharia, G.P. for the Respondent-State.
Mr. Suresh Pakale a/w Ms. Rupali Adhate for M.C.G.M.

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**CORAM : K.K. TATED &
R.I. CHAGLA, JJ.**

**DATE : 3rd JULY, 2021.
(V.C.)**

P.C. :-

1 Heard learned Counsel for the parties.

2 The learned Advocate for the Applicant submits that the matter was on board before this Court on 29.06.2021. At that time the learned Advocate Mr. Suresh Pakale appearing on behalf of Respondent-Corporation made a statement before this Court that copy of Interim Application was not served on them. He submits that the

said statement was not correct. He submits that the Applicant duly served the Respondents on 28.06.2021 in their office. In support of this contention he relies on the affidavit of service dated 29.07.2021 along with the letter dated 28.06.2021. He submits that it is crystal clear from the letter dated 28.06.2021 that the copy of Interim Application was served on the Respondent-Corporation on 28.06.2021 at 11.59 a.m.

3 The learned Counsel for the Applicant submits that by this Interim Application they are seeking direction against Respondent Nos.1 to 4 to release the payment of amount of service benefits claimed by the Applicant i.e. pension, gratuity amount, benefit of sick leave, half leave, full leave and other similar benefits in favour of the Applicant.

4 At this stage the learned Counsel Mr. Suresh Pakale appearing on behalf of the Corporation submits that he requires some time to file their reply. In view of these facts, the following order is passed :

- i) The Respondent-Corporation to file their reply on or before 09.07.2021 with copy to other side, failing which they have to pay costs of Rs.25,000/- to the Applicant.

ii) If reply is filed within time, liberty is granted to the Applicant to file rejoinder if any, on or before 13.07.2021 with copy to other side.

iii) Matter to appear on board on 15.07.2021 for hearing.

(R.I. CHAGLA, J.)

(K.K. TATED, J.)