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SLP(C)No. 5802 OF 2001
ITEM No.47

Court No. 8

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.5802/2001

(From the judgement and order dated 16/01/2001 in WP 779/2000
of The HIGH COURT OF BOMBAY)

BRIHANMUMBAI MUNICIPAL CORPORATION & ANR

Petitioner (s)

VERSUS

JULIE K. JOHN & ORS.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment & with prayer for interim relief)

Date : 10/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Bhimrao Naik, Sr. Adv.
Mr. DN Mishra, Adv. for
M/s J.B. Dadachanji & Co.,Adv.

For Respondent (s) Ms. Indu Malhotra,Adv.

Mr. M.N. Shroff,Adv.
Mr. Chirag M Shroff, Adv.

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

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Leave granted.
The appeal is allowed in terms of the signed order.

.SP1

(D.L. Chugh) (K.K. Chadha)
Court Master Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6283 OF 2001@@
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Brihanmumbai Municipal Corporation & Anr.Appellants

VERSUS

Julie K John & Ors.Respondents

O R D E R@@
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Heard learned counsel for the parties.
Leave granted.

Considering the order dated 29th November, 1999 passed by the Division Bench of the High Court in Appeal No.1139 of 1999 in Writ Petition No.1639 of 1999 along with the order dated 18th December, 1999 passed by the Education Officer, as directed by the Division Bench of the High Court, it appears that the High Court has committed an error in relying upon its previous order dated 27th July, 1999. In this view of the matter learned counsel for the parties agree that the matter be remitted back to the High Court for deciding it afresh in accordance with law.

In this view of the matter, the impugned order dated 16th January, 2001 passed in Writ Petition No.779 of 2000 passed by the High Court is set aside. The High Court is directed to decide the matter afresh in accordance with law. The appeal is allowed to the aforesaid extent.

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.....J.@@
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(M.B. SHAH)@@
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(R.P. SETHI)@@
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New Delhi,
September 10, 2001