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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPLICATION No. 20 OF 2016
IN
PUBLIC INTEREST LITIGATION No. 39 OF 2003

Table Land Vyapari Association
Panchgani ... Petitioners
Vs.
Bombay Environmental Action
Group & Ors. ... Respondents

Mr. Shiraz Rustomjee, Sr. Counsel a/w Pooja Kothari, Ms. Namrata Vinod i/b M/s. Federal & Rashmikant, for the Petitioners.

Mr. A. Y. Sakhare, Sr. Counsel a/w Joel Carlos, for the Applicant in Civil Application.

Ms. R. A. Salunke, for the Respondent – Panchgani Municipal Council.

Mr. N. C. Walimbe, AGP for the Respondent – State.

Mr. N. D. Sharma, for the Union of India.

Mr. Aniket Mokashi i/b Haresh Mehta & Co. for Respondent No. 12.

सत्यमेव जयते ***

CORAM : V. M. KANADE, &
C. V. BHADANG, JJ.

DATE : APRIL 11, 2017

PC.

1. Heard Mr. A. Y. Sakhare, learned senior counsel appearing for the Applicants and Mr. Shiraz Rustomjee, learned senior counsel appearing on behalf of the original Petitioner. By this

application, Applicant is seeking permission to permit horse carriages to be run on the table land on a small portion of the land. Mr. Rustomjee, the learned senior counsel appearing on behalf of the original Petitioner submitted this application is not maintainable since similar prayers were made in the earlier application and by a detailed judgment and order, the said application was dismissed.

2. There is much substance in the submissions made by the learned senior counsel appearing for the original petitioner. It is well settled that principles of *res judicata* are equally applicable to applications which are filed in a proceeding when identical prayers were made by the Applicant in the past and after giving hearing to all the parties, said application was dismissed.

3. That being the position, we will not be in a position to again reconsider the similar prayers. The only remedy which is available to the Applicant is to file appeal against the order passed by this Court in the Apex Court. Reserving this right of the Applicant, civil application is dismissed.

Sd/-
[C. V. BHADANG, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath