

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.540 OF 2014
WITH
CIVIL APPLICATION NO.632 OF 2014
WITH
CIVIL APPLICATION NO.804 OF 2014
WITH
WRIT PETITION NO.5804 FO 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.VA.Thorat Sr.Counsel i/b Mr.Ashok Pandey
for the appellant

Mr.M.M.Vashi, Sr.Counsel with Mr.S.M.Sharma
i/b M/s.M.P.Vashi and Associate for the
petitioner

Mr.A.K.Nandanwar for the BMC

CORAM : K.K.TATED, J.
DATED : 06/04/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 The Appeal from Order is preferred by plaintiff challenging the order dated 8.5.2014 passed by Bombay City Civil Court, Mumbai in Notice of Motion No.1170 of 2014 declining to grant ad-interim relief.

3 Civil Application No.632 of 2014 is preferred by plaintiff to set aside order dated 8th May, 2014 passed by trial court in Notice of Motion No.1170 of 2014 and for allowing said Notice of Motion.

4 Civil Application No.804 of 2014 is preferred by Intervenors to allow them to intervene in the Appeal from Order.

5 Writ Petition No.5804 of 2014 is preferred by Shaikh Jamaluddin Riyazuddin and four Ors (Intervenors) challenging the order dated 8.5.2014 rejecting their Chamber Summons No.333 of 2014 in L.C.Suit No.795 of 2014 for joining them as defendants in Suit.

6 Both the Senior Counsel agree that it is not necessary to pass a reasoned order. By consent of the learned Senior Counsel for the appellant in Appeal from Order No.540 of 2014 and learned Senior Counsel for the petitioner in Writ Petition No.5804 of 2014 following order is passed:

a) Chamber Summons No.333 of 2014 preferred by Intervenor in L.C.Suit No.795 of 2014 is allowed in terms of prayer clause (a) which reads thus:

“(a) That the plaintiff be ordered and directed to join the applicants as party defendants.”

b) Appellant plaintiff to carry out appropriate amendment in L.C.Suit No.795 of 2014 as well as in Notice of Motion within two weeks from today and serve added defendant with amended copy of plaint and other proceedings.

c) Liberty granted to the Corporation as well as added defendant in L.C.Suit No.795 of 2015 to file their Affidavit-in-Reply in Notice of Motion No.1170 of 2014 in L.C.Suit No.795 of 2014 within six weeks from today.

d) Hearing of Notice of Motion No.1170 of 2014 in L.C.Suit No.795 of 2014 is expedited. This court expects Trial Court to decide Notice of Motion No.1170 of 2014 as early as possible but in any case on or before 30.06.2015.

e) The Trial Court to decide Notice of Motion No.1170 of 2014 on its own merits without influencing the earlier order dated 8.5.2014.

f) Ad-interim protection granted by this court (Coram: A.S.Gadkari, J.) on 16.5.2014 to continue till the hearing and final disposal of Notice of Motion No.1170 of 2014.

g) Appeal from Order No.540 of 2014, Civil Application No.632 of 2014, Civil Application No.804 of 2014 and Writ Petition No.5804 of 2014 are disposed of accordingly.

h) If adverse order is passed against the appellant, interim order passed by this court to continue for two weeks from the date of disposal of Notice of Motion.

(K.K.TATED, J.)