

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 27 OF 2014

IN

WRIT PETITION NO. 2364 OF 2013

Saurashtra Dasha Shrimali Jain .. Applicant

In the matter between:

Prakash M. Shah .. Petitioner

Versus

Municipal Corporation For Gr. Mumbai .. Respondent

Ms. Shubhangi Panditrao Borade, Advocate for the applicant

Mr. Manoj Kumar Upadhya, Advocate for the petitioner

Mr. Vinod Mahadik, Advocate for MMC.

CORAM:-A. S. OKA &

SMT. REVATI MOHITE DERE, JJ.

DATED : -16/07/2015

P.C.

Heard learned counsel for the parties.

2 The applicant claims to be the owner of the building,
subject matter of the writ petition. Hence prayer clause (b) will
have to be granted.

3 As far as prayer clause (a) is concerned, by a separate

order passed today, ad-interim relief granted earlier has been continued. The applicant can be always heard at the time of hearing as to interim relief. Therefore, in this notice of motion, prayer clause (a) need not be considered.

4 Subject to what is observed above, notice of motion is made absolute in terms of prayer clause (b).

5 Advocate for the petitioner shall carry out amendment for impleading the applicant as second respondent. Amendment to be carried out within a period of two weeks from today. It will be open for the applicant to file reply TO the writ petition. A copy of the report submitted by M/s. AT & TS Associates, shall be made available to the advocate for the applicant.

(SMT. REVATI MOHITE DERE, J.)

(A. S. OKA, J.)

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