

vat

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) No. 1792 OF 2015
IN
APPEAL (L) No.536 OF 2015
IN
NOTICE OF MOTION (L) No. 1627 OF 2015
IN
SUIT No.1223 OF 2005

Madhusudan C. Sanghvi

....Applicant/Appellant
(Org. Defendant No.6)

Vs.

Mukta Construction and Ors.

....Respondents
(Org. Plaintiffs and Nos.6
to 11 Org. Defendants)

And

Municipal Corporation of Greater
Mumbai

....Respondent

Mr. Zubin Behramkamdin a/w. Anjal Amin Jeniffer Michael and
Mr. Prerak Sharma i/b. B. Amin & Co. for Appellant

Ms. R.C. Nichani a/w. D. Banerjee i/b. M/s. Mahesh Jani & Co. for
Respondent Nos. 1 to 5.

Dr. Smita C. Sanghavi - Respondent No. 7 in person

Mr. Akshay Shah for Respondent No. 10

CORAM : V. M. KANADE &
B.P COLABAWALLA, J.J.

DATE : JULY 16, 2015

P.C. :

1. Appeal is disposed of in terms of our dated 10th July, 2015. The learned counsel appearing on behalf of the Appellant submits that he is not permitted to enter into premises. Similar complaint is made by Respondent No. 7, who is appearing in person.

2. In our view, the said issue can be raised by the Appellant – Org. Defendant No.6 and Defendant No.7 by taking out an appropriate Notice of Motion before the learned Single Judge. It is clarified that if such Notice of Motion is taken out by Defendant No 6 and Defendant No.7, the same may be decided on merits and in accordance with law after taking into consideration the order passed by the Apex Court.

[B.P COLABAWALLA, J.]

[V. M. KANADE, J.]

Vaishali Tikam