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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.206 OF 2015
IN
WRIT PETITION NO.2732 OF 2003**

Shivprasad Mewalal Gupta	... Applicant
<u>In the matter between</u>	
Gangji Bhanji & Ors.	... Petitioners
Vs.	
Municipal Corporation of Greater Mumbai & Ors.	... Respondents

Mr. Sagar A. Rane, for the Applicant in Chamber Summons No.206 of 2015.

Mr. Vinod Mahadik, for the Respondent – BMC.

Mr. P.M. Shah with Mr. Tanna, for Respondent No.5.
Court Receiver present.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 11th AUGUST, 2015

PC.

. Heard the learned counsel appearing for the Applicant, the learned counsel appearing for the Writ Petitioners and the learned counsel representing the Respondents in the writ petition. As the Applicant claims to be in possession of one of the shops in respect of which the Court Receiver has been appointed, the Applicant will have to be impleaded as party Respondent. Adjudication of rights allegedly

claimed by the Applicant can be made only after he is impleaded as party Respondent. As directed in separate order passed today in Notice of Motion No.77 of 2005, the Applicant cannot be evicted unless he is heard at the time of final hearing or unless appropriate proceedings are taken out by the Petitioners in the Writ Petition. However, prayer for discharge to the Court Receiver at the instance of the Applicant cannot be entertained.

2. The learned counsel appearing for the Applicant made some grievance regarding the statements made in the affidavit-in-reply filed to the Chamber Summons by the Writ Petitioners. However, by disposing of the Chamber Summons this Court is not deciding rights between the parties. All contentions of the parties are kept open. Accordingly, Chamber Summons is disposed of by passing the following order :-

ORDER

Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment shall be carried out to the Writ Petition by the Petitioners within a period of four weeks from today.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)