

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 261 OF 2014
IN
WRIT PETITION NO. 3387 OF 2004**

Bimal Viren Vora ...Applicant

IN THE MATTER BETWEEN :

Fulchand Kasturchand Trust ...Petitioner

Versus

Mumbai Municipal Corporation & Anr. ...Respondents

Mr. Prem S. Gidwani for the Applicant

Ms. Aparna Devkar i/b M. M. Vashi & Associates for the Petitioner

Mrs. Shobha Ajitkumar for the Respondent-BMC

**CORAM : A. S. OKA &
REVATI MOHITE DERE, JJ.
THURSDAY, 2ND JULY, 2015**

P.C. :

1. Heard learned Counsel appearing for the applicant, learned Counsel appearing for the writ petitioner and the learned Counsel appearing for the respondents in the writ petition.

2. In view of the averments made in the affidavit in support and in view of earlier litigation between the applicant and the writ petitioner, the applicant becomes at least a proper party to the writ petition. Therefore,

Notice of Motion will have to be made absolute in terms of prayer clause

(a). As far as clause (b) is concerned, the applicant has no right to amend the writ petition.

3. Accordingly, we pass the following order :

ORDER

(i) Notice of Motion is made absolute in terms of prayer clause (a). Applicant shall be impleaded as respondent No. 3 in the writ petition. Writ petitioner to carry out amendment for that purpose within a period of three weeks from today.

(ii) Advocate for the writ petitioner shall serve a copy of the writ petition to the Advocate representing the applicant, who takes notice of the writ petition on behalf of the applicant. Copy shall be served immediately after the amendment is carried out.

(iii) Prayer clause (b) is rejected.

4. Place the writ petition under the caption of 'fresh admission' on 30th July, 2015.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)