

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.97 OF 2014
IN
WRIT PETITION NO.1888 OF 2014

Mr. Mukesh Gover Gala.

.. Applicant/
(Org. Petitioner No.1)

In the matter between:

Mr. Mukesh Gover Gala & Others.

.. Petitioners

Vs

The Municipal Corporation of Greater Mumbai
another Others.

.. Respondents

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Shri S.P. Srivastava for the Applicant.

Shri Vinod Mahadik for Respondent Nos.1 and 2 BMC.

Shri Rajeev Singh along with Manini Bharati i/by M/s. Solomon & Co for the
Respondent Nos.3 and 4.

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CORAM : A.S. OKA & A.PBHANGALE, JJ

DATED : 26TH MARCH 2015

PC.

. Heard learned counsel appearing for the Applicant, the
learned counsel appearing for the First and Second Respondents and
the learned counsel appearing for the Third and Fourth Respondents.
In this Chamber Summons taken out for amendment of the Writ
Petition, the prayer clause (c) is completely misconceived. By the order
dated 7th July 2014, this Court had vacated the ad-interim relief. The
prayer for interim relief has not been considered as yet. The learned

counsel appearing for the Applicant states that he will not press for carrying out amendment by adding Paragraph 31(i) in the draft amendment.

2. The learned counsel appearing for the Third and Fourth Respondents submits that it is not open for the Applicant to challenge the notice dated 4th August 2014. This issue can be gone into only after the Applicant is permitted to carry out amendment and permitted to challenge the notice dated 4th August 2014.

3. Hence, we dispose of the Chamber Summons by passing the following order:

ORDER :

- (a) Chamber Summons is made absolute in terms of prayer clause (a). However, it will not be open for the Applicant to incorporate Paragraph 31(i) of the Schedule annexed to the Chamber Summons while carrying out amendments;
- (b) As the Chamber Summons is being disposed of, the prayer clauses (b) and (d) cannot be granted. By

way of amendment, the Applicant is seeking to incorporate the reliefs in terms of the said prayers in the main Writ Petition;

- (c) Prayer clause (c) is misconceived and the same cannot be considered in this Chamber Summons. However, all contentions of the parties on the prayer for interim relief are kept open;
- (d) Amendments to be carried out within a period of four weeks from today;
- (e) After the amendment is carried out, it will be open for the Respondents in the Writ Petition to file a supplementary reply.

(A.PBHANGALE, J)

(A.S. OKA, J)