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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBR SUMMONS NO.234 OF 2015 IN
WRIT PETITION NO.1583 OF 2004

Gorai Vivek Co-operative Housing Society	...Applicant
In the matter between Mr.Prasad Mhatre	...Petitioner
vs. Municipal Corporation of Greater Mumbai & Ors	...Respondents

Ms Rumana Bagdadi for the applicant
Ms Geeta Joglekar for the BMC
Mr.S.P.Khale i/b S.J.Kadam for the respondent No.6.

CORAM : A.S.OKA, &
 K.R.SHRIRAM,JJ.
DATE : AUGUST 26, 2015

P.C.:

1 Heard the learned counsel for the applicant, the learned counsel for the respondent No.6 and the learned counsel for the Municipal Corporation. Perused the prayers made in the main Writ Petition. The substantive prayer in the Writ Petition is for challenging and setting aside a permission, if any, granted for making construction in the stilt area of the building in question. By the proposed amendment, the applicant who is not even a party to the petition wants to claim substantive relief in the Writ Petition by adding prayer clauses in the Writ Petition. There is a prayer made for impleading the applicant as the second petitioner. Prayer clause (a-1) which is sought to be added is beyond

the scope of the present petition. The applicant will have to file appropriate proceedings in accordance with law. If the applicant has any cause of action, the applicant can file appropriate proceedings.

2 Subject to what is observed above, Chamber Summons is dismissed.

(K.R.SHRIRAM,J.)

(A.S.OKA,J.)