

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1978 OF 2016

Prakash Motiram Mishra ... Petitioner
Vs.
Municipal Corporation of Greater Mumbai and another ... Respondents

Mr. Sanjeev R. Singh a/w. Mr. L. A. Singh for Petitioner.
Mr. Vinod Mahadik for Respondent No.1-BMC.
Mr. Jagdish S. Hegde for Respondent No.2.

CORAM : R. G. KETKAR, J.
DATE : MARCH 02, 2016

P.C. :

Heard Mr. Singh, learned Counsel for petitioner, Mr. Mahadik, learned Counsel for respondent No.1 and Mr. Hegde, learned Counsel for respondent No.2 at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner, hereinafter referred to as plaintiff, has challenged the judgment and order dated 25.01.2016 passed by the learned Judge presiding over Court Room No.8 of Bombay City Civil Court at Bombay, Borivali Division, Dindoshi in Chamber Summons No.810 of 2014 in L.C.Suit No.1422 of 2013. By that order, the learned trial Judge allowed the Chamber Summons taken out by the respondent No.2 herein and directed the plaintiff to implead respondent No.2 as defendant No.2.

3. Mr. Singh submitted that after the impugned order was passed, plaintiff got communication dated 16.02.2015 from Information Officer. Plaintiff, however, did not produce that document before the trial Court.

4. In view thereof, Mr. Singh seeks permission to withdraw this Petition with liberty to file Review Petition seeking review of the

impugned order. He states that within 3 weeks from today, petitioner will file Review Petition and serve copy in advance on the other side. He assures that he will not seek further extension of time. Mr. Hegde states that within 1 week from receipt of the review petition, respondent No.2 will file reply and serve copy in advance on the other side. Statements made by the learned Counsel for the respective parties are recorded.

5. In view thereof, the learned trial Judge is requested to decide Review Petition within 4 weeks from filing of reply by respondent No.2. It is made clear that grant of liberty shall not be construed as an expression on merits of the proposed proceedings either way. All the contentions of the parties on merits are expressly kept open. Petition is allowed to be withdrawn with liberty as prayed for.

(R. G. KETKAR, J.)

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