

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 196 OF 2016

IN

CIVIL REVISION APPLICATION NO. 520 OF 2012

M/s Deekay Developer

A partnership firm

... Applicant/third party

IN THE MATTER BETWEEN

Municipal Commissioner for
Greater Bombay

... Appellants
(Org. Defts)

Vs

Mr. Kantilal Mulchand Sanghvi & Anr.

... Respondent
(Org. Pltff)

...

Mr. Omkar M. Kulkarni for the Applicant.

Mr. Neel Gala for respondent No. 1 (Org. Pltff).

Mr. S. K. Sonawane for BMC.

CORAM : M. S. KARNIK, J.

DATE : 29 APRIL, 2016

P.C. :

1 Heard.

2 The applicant third party has filed the present application for impleading himself as a party respondent in the Civil Revision Application. According to the applicant, by a deed of conveyance dated 1st January 2010, the applicant has acquired right title and interest in the suit property from the respondents being the original

owner. It is submitted that upon execution of said conveyance deed the applicant herein has acquired right in the property in which the suit rooms were in existence. As the applicant has acquired right title and interest in the suit property, he is a necessary party.

3 The original plaintiff - present respondent No. 1 has filed an affidavit dated 29th April 2016 and thereby contended that he has some right in respect of the said property.

4 Essentially the grievance of the present respondent No. 1 is that by a deed of conveyance dated 1st January 2010 the applicant has acquired the rights in the suit property subject to the said litigation pending against the Bombay Municipal Corporation and subject to terms and conditions of the said memorandum of agreement for sale dated 25th April 2009.

5 Therefore present respondent no. 1 does not have a serious objection to the impleadment of the applicant as the party respondent. The present application is only for impleading the Applicants as a party respondents. Needless to mention that, I have only dealt with the aspect of impleadment and all other contentions

raised by the respondent No. 1 are therefore kept open.

6 The present civil application is therefore allowed in terms of prayer clause (b). The consequential amendment to be carried out on or before 15th June 2016. The civil application is accordingly disposed off on the above terms.

(M. S. KARNIK, J.)