

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

**CIVIL APPLICATION NO.3225 OF 2015
IN
FIRST APPEAL NO.2504 OF 2011**

Tariq Amirali Merchant : Applicant.

In the matter between

Ishwar V Khilani : Appellant.

Versus

**The Municipal Corporation of
Greater Mumbai and ors. : Respondents.**

Mr. Prashant P Kulkarni for the Applicant.

Ms. P Shelke i/by Mr. P J Thorat for the Appellant.

Mrs. M R Bhoir for the Respondent No.1.

CORAM : R. M. SAVANT, J.

DATE : 27th June 2016

P.C.

1 The above Civil Application has been filed by the Applicant seeking his impleadment in the above First Appeal and also seeking return of the documents which are part of the record and proceedings in the above First Appeal.

2 In so far as the first prayer is concerned, the Applicant claims to have acquired the suit properties i.e. the four flats in the building in question in the year 2013 by registered sale deeds. The said registered sale deeds have been annexed to the above Civil Application as Exhibits A to D.

3 The learned counsel appearing on behalf of the original Appellant
Ms. Shelke does not dispute the said fact, however, it is her contention that the
second relief sought cannot be granted.

4 In my view, since the Applicant has acquired rights in respect of
the said four flats, it would be just and proper to allow the above Civil
Application restricted to the impleadment of the Applicant in the above First
Appeal.

5 In so far as the second prayer i.e. the return of the documents is
concerned, the Applicant would be at liberty to file appropriate application in
that regard.

6 The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]