

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3381 OF 2014
IN
FIRST APPEAL NO. 2080 OF 2011**

Satish Dhirajlal Vithlani & Ors.

..Applicants

**In the matter of
Percept Advertising Limited
Vs.**

..Appellants

Municipal Corporation of Greater Mumbai

..Respondent

**WITH
CIVIL APPLICATION NO.3382 OF 2014
IN
FIRST APPEAL NO. 2081 OF 2011**

Satish Dhirajlal Vithlani & Ors.

..Applicants

**In the matter of
Percept Advertising Limited
Vs.**

..Appellants

Municipal Corporation of Greater Mumbai

..Respondent

Mr. Bhupesh Dhumatkar i/b Jhangiani Narula & Associates for the Applicants

Mr. A. R. Pande for the original Appellants

Mrs. M. R. Bhoir for the Respondent

**CORAM : R. M. SAVANT, J.
DATE : 28th JULY, 2016**

P.C.

1 The above Civil Applications have been filed for joining the Applicants as parties to the above First Appeals. The above First Appeals are pending hearing for admission. The Applicants who claim to be landlords of

the land in question on which the structures of the Appellants are situated. The Applicants did not file any application in the Trial Court when the Suits were pending. The same is sought to be justified by the Applicants by stating in the above Civil Applications that is only after the information was provided by the Municipal Corporation of Greater Mumbai under the Right to Information Act that the Applicants became aware of the Suits filed by the Appellants being dismissed and the present proceedings being pending.

2 This is countered on behalf of the Learned Counsel Mr. Pande appearing for the original Appellants by contending that the Applicants have filed Suits in the Small Causes Court against the Appellants and therefore it is impossible to believe that the Applicants were not aware of the Suits filed in the City Civil Court Bombay and on account of the dismissal of the said Suit the above First Appeals have been filed. It is not necessary to delve into the said contentions as the Learned Counsel appearing on behalf of the original Appellants makes a statement that the Appellants have no objection if the Applicants are allowed to intervene in the above First Appeals.

3 In view of the said statement it is not necessary to consider the Civil Applications in the context of the relief sought therein. The Applicants would be allowed to be intervene in the above First Appeals and would be shown as intervenors in the cause title of the First Appeals. The Applicants

would be entitled to make their submissions in the above First Appeals. Amendment to be carried out within two weeks from date. List the above First Appeals for admission on 11-8-2016. Ad-interim order if any to continue until then.

4 The Civil Applications are accordingly disposed of.

[R.M.SAVANT, J]