

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.933 OF 2016

Shubhangi Yeshwant Gharat

..Appellant

-Versus-

Municipal Corporation of Greater
Mumbai through Office of Assistant
Engineer

..Respondents

Mr. Pradeep J. Thorat for appellant

Mr. S.K.Sonawane for Corporation respondent No.1.

Mr. Hemangi Raythattha with Mr. Jayesh Mestry i/b. RMG Law for
respondent No.2

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 3rd October 2016.

P.C.

1] Leave to amend. This appeal from order is preferred against the order dated 19th September 2016 refusing to grant ad-interim relief passed by City Civil Court, Dindoshi, Mumbai in L.C.Suit No.2510 of 2016.

2] It is submitted that initially the said relief was sought only against the Municipal Corporation. In view of the refusal of ad-interim relief, the suit premises are demolished and, therefore, no relief is claimed against the Corporation.

3] It is submitted that during the hearing of ad-interim relief before the trial court, the respondent No.2 herein has appeared and intervened in the matter. The impugned order of the trial court reveals that respondent No.2 was heard in the matter. Chamber summons is also filed in the suit for adding respondent No.2 as party.

4] Now, considering that the matter is amicably settled between the appellant and respondent No.2, the chamber summons for adding respondent No.2 as party to the suit and this appeal are allowed. The matter is mutually settled between the parties and the consent terms are filed. The same are signed by the appellant and authorised signatory of the respondent No.2. Both of them are present in court and are identified by their respective Advocates. Hence, the consent terms are taken on record and marked "X" for identification. In view of the consent terms, both the suit and the appeal stand disposed of for want of prosecution, as withdrawn. Undertakings of parties in the mutual consent terms are accepted.

(DR. SHALINI PHANSALKAR-JOSHI, J)