

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.236 OF 2017

WITH

CIVIL APPLICATION NO. 318 OF 2017

Matilda B Castelino, married daughter of Mr ...Appellant
Joseph P Galbaw

Versus

Leo Joseph Galbaw son of Mr Joseph P Galbaw & ...Respondents
Ors

WITH

APPEAL FROM ORDER (ST) NO.10628 OF 2017

WITH

CIVIL APPLICATION NO. 493 OF 2017

Celina Joseph Galbaw, married daughter of Mr ...Appellant
Joseph P Galbaw

Versus

Leo Joseph Galbaw son of Mr Joseph P Galbaw & ...Respondents
Ors

Ms KC Nichani, *with Ms Jaymala Ostwal i/b JJ Associates, for the Appellant in AO No.236/2017.*

Mr SC Naidu, *with Ms Jaymala Ostwal i/b JJ Associates, for the Appellant in AOST No.10628/2017.*

Mr Ashish Dubey, *for Respondents in both Appeals from Order.*

CORAM: G.S. PATEL, J

DATED: 24th July 2017

PC:-

1. On taking instructions, Mr Naidu and Ms Nichani for the Appellants seek leave to withdraw the Appeals with the following clarifications and with the following liberty.
2. The 1st Respondent, who is the contesting Defendant, makes a statement that in any ejectment proceedings instituted against any tenant he will join his other siblings as formal party-defendants, since they have an interest in the property. He will also inform them of any surrender or transfer of tenancies within two weeks of such transfer or surrender and will provide full particulars of the amount received in respect of such transfer or surrender. .
3. Further liberty to the Appellants to file an appropriate application before the City Civil Court for an order of disclosure on Affidavit, and, if a case is made out, for relief on account of the 1st Respondent having violated the order not to create third party rights.
4. With these clarifications, the Appeals are disposed of. There will be no order as to costs. In view of disposal of the Appeals, the Civil Applications do not survive and are disposed of accordingly.
5. In respect of the transfers already affected and for the rent received from the date of the suit, the 1st Respondent will file an Affidavit before the Trial Court with copies to the Appellants' Advocates giving full particulars.

(G. S. PATEL, J.)