

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

APPEAL FROM ORDER (ST.) NO.23078 OF 2017

Tuba Rafique Shaikh ...Appellant

Versus

The Municipal Corporation of Greater Mumbai ...Respondent

**WITH
CIVIL APPLICATION (ST.) NO. 23080 OF 2017
IN
APPEAL FROM ORDER (ST.) NO.23078 OF 2017**

Tuba Rafique Shaikh ...Applicant

Versus

The Municipal Corporation of Greater Mumbai ...Respondent

**WITH
CIVIL APPLICATION (ST.) NO. 24106 OF 2017
IN
APPEAL FROM ORDER (ST.) NO.23078 OF 2017**

Mumbai International Airport Pvt. Ltd. ...Applicant

IN THE MATTER BETWEEN

Tuba Shaikh ...Appellant

Versus

Municipal Corporation of Greater Mumbai ...Respondent

.....

Mr.C.R.Naidu a/w. Mr.Sayeed Y.Mulani, Ms.Shobhana Waghmare i/b. Mulani & Co. for the Appellant.

Ms.Mamta Bhoir for the Respondent-Municipal Corporation.

Mr. Birendra Saraf a/w. Mr.Farid Karachiwala and Ms.Shoma Maitra for the Applicant in CAA(St.) No. 24106 of 2017.

.....

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: AUGUST 24, 2017

P.C. :

1. Heard both the parties.
2. At the time of hearing of the matter, it is found that the Director General of Civil Aviation so also Airports Authority of India and Mumbai International Airport Private Limited, all these three entities are necessary and proper parties and they are to be impleaded as defendants in the Suit.
3. Learned counsel for the appellant/original plaintiff submits that the appellant shall amend the plaint to that effect.
4. These amendments are to be carried out on or before 01.09.2017 and the copies are to be supplied to all necessary and proper parties on or before 01.09.2017.

5. Learned counsel for Mumbai International Airport Private Limited submits that the defendants shall appear before the trial Court.

6. Learned counsel for the appellant/original plaintiff shall also serve all these proposed defendants, so that the proposed defendants will be in a position to appear before the trial Court on 07.09.2017 at 2.45 p.m.

7. Learned counsel for the appellant has produced a letter dated 29.04.2016 written by the Executive Engineer, Building Proposal, (Western Suburbs), 'H' Ward to M/s. Hicons Developers and the Chairman, Appellate Committee, Ministry of Civil Aviation. He informs the Court that the building is constructed upto 16th floor and the said building is ready since 2007.

8. On perusal of the said letter, it appears that in the last paragraph, the Executive Engineer has mentioned that **“the building proposed to be constructed”**. The Executive Engineer shall file an affidavit explaining these contents mentioned in this letter.

9. The pleadings in Notice of Motion and production of the documents, if any, are to be completed on or before 20.09.2017 and thereafter the trial Court may hear the matter on 10.10.2017. The Municipal Corporation shall not take coercive steps.

10. Ad-interim relief, if any, to continue till 10.10.2017.
11. Appeal from Order is disposed of accordingly.
12. In view of dismissal of the Appeal from Order, both the Civil Applications do not survive and the same are accordingly disposed of.
13. Parties to act upon an authenticated copy of this order.

(MRIDULA BHATKAR, J.)