

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4131 OF 2017

(Dixit Nagar Residents Association thr. its General Secretary Smt. Sangita Prakashnath Patankar
vs. The Nagpur Municipal Corporation thr. its Municipal Commissioner & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.
SEPTEMBER 08, 2017.**

Heard Shri R.L. Khapre, learned counsel for the petitioner, Shri S.M. Puranik, learned counsel for respondent Nos. 1 & 6, Ms. A.R. Kulkarni, learned AGP for respondent Nos. 2 & 3 and Mrs. N.S. Jog, learned counsel for respondent Nos. 4 & 5.

2. We have been hearing the parties and some copies of maps are produced before us for our perusal.

3. Today, during hearing, it became clear that the Civil Suit filed by Respondent No. 5 against the petitioner, on the very same issue with other incidental reliefs, is pending.

4. Shri Khapre and Mrs. Jog, learned counsel do not dispute that Exh. 5 i.e. application for temporary injunction moved therein is still not decided.

5. Mrs. Jog, learned counsel points out that Respondent No. 4 is an individual, who also opposes the petition and intends to protect the interests of residents of Mercury Villa society.

6. We, in this situation, on the request made by

Mrs. Jog, learned counsel and no objection given by Shri Khapre, learned counsel, permit Respondent No. 4 to be added as a plaintiff in that Regular Civil Suit No. 659 of 2017. The parties shall maintain status quo as prevailing today for a period of three more weeks from today and the learned 4th Joint Civil Judge, Junior Division, Nagpur, before whom that suit is pending, shall attempt to decide Exh. 5 finally, in the meanwhile.

7. Needless to mention that all contentions of the parties are kept open and the trial Court shall not be influenced by the observations, if any, made by this Court in any of its interim orders in the present petition.

8. By way of abundant precaution, we direct that after such adjudication, if any action by Nagpur Municipal Corporation becomes necessary, the same shall be taken only after fresh notice to the petitioner.

9. With these directions and observations, we dispose of the present writ petition. However, there shall be no order as to costs.

JUDGE

JUDGE

*GS.