

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

**CIVIL APPLICATION NO.31 OF 2018
IN
FAMILY COURT APPEAL NO.283 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Ganesh K. Sovani for the Applicant

Mr.Ashutosh Kane i/b Mr.W.S.Kane and Co. for the Respondent

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : FEBRUARY 13, 2018**

P.C.:

1. Heard the learned counsel for the parties.
2. This Application is for joining non-applicants as party respondent in Civil Application No.27 of 2017 in Family Court Appeal No.283 of 2014 for compliance of order dated 1.2.2017 passed by this court.
3. The learned counsel for the Applicant submits that non-applicants are duly served. He filed affidavit of service dated 8.2.2018. Inspite of service, no one appeared on behalf of them when

the matter was called out.

4. The learned counsel for the Applicant submits that this court by order dated 1.2.2017 in Civil Application No.27 of 2017 allowed the Applicant as well as Respondent as joint owners of flat No.504, Shubhechha Building, S.V.Road, Bhaskar Colony, Naupada, Thane to let out the said flat on Leave and Licence basis during the pendency of Family Court Appeal No.283 of 2014. He submits that when they approached the Society as well as builder, they refused to hand over possession of the flat. Hence, as per liberty granted by this court by order dated 11.1.2018 in Civil Application No.27 of 2017, Applicant preferred the present Civil Application.

5. The learned counsel for the Respondent submits that they have no objection if Civil Application is allowed.

6. Considering the submissions made by both the parties and averments made in Civil Application and inspite of service no one appeared on behalf of non-applicants, we are of the opinion that Applicant has made out a case for following order:

A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) That, this Hon'ble Court may be pleased

to implead Non Applicant No.1 and 2 as the party to the proceeding.”

B) Applicant to carry out amendment in Civil Application No.27 of 2017 within one week from today.

C) Liberty granted to the Applicant to carry out appropriate amendment in Civil Application No.27 of 2017 to add prayer clause (b) of the present Civil Application.

D) Registry is directed to issue notice to the newly added Respondents in Civil Application No.27 of 2017, returnable on 14.3.2018. Hamdast allowed.

E) Liberty granted to the Applicant to serve amended copy of Civil Application No.27 of 2017 on other side along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

F) If affidavit of service is filed within stipulated time as stated hereinabove, Registry is directed to place Civil Application No.27 of 2017 for hearing

on 14.3.2018.

G) Civil application stands disposed off
accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)