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

CIVIL APPLICATION NO. 148 OF 2017

in

SECOND APPEAL NO. 353 OF 2008

Surendra M. Uppal.

... Applicant/Appellant.

V/s.

The State of Maharashtra & Ors.

... Respondents.

with

CIVIL APPLICATION NO. 149 OF 2017

in

SECOND APPEAL NO. 353 OF 2008

Mr. Narendra @ Nicky Gopaldas Rajwani.

... Applicant.

In the matter of

The State of Maharashtra through

1. The Sub Divisional Officer & Ors.

... Appellants.

v/s.

Mr. Surendra M. Uppal and Ors.

... Respondents.

Mr. Vachan Bodake a/w. Shaunak Gokhale i/b. M/s. Chitnis Vaithy & Co. for the Applicant/Appellant.

Mr. S.M. Kamble for Respondent 3.

Ms. Minal Chandnani i/b. J.S. Chandnani for the Applicant in CAS 149/17.

CORAM : N.M. Jamdar, J.

DATE : 02 February, 2018.

P.C. :-

Pursuant to the order passed in this Civil Application earlier, the Applicant has made an application to the Municipal Commissioner in respect of construction of a wall. The application is not considered since the Commissioner thought it fit that the Applicant himself should remain present and not his Power of Attorney. An application for intervention has also been filed in the Second Appeal. If the Commissioner, looking at the nature of the dispute and the application, has found it fit that the Applicant himself should remain present, he cannot be faulted with.

2. The Civil Applications are accordingly disposed of with liberty to the Applicant to personally remain present before the Commissioner in respect of his request for construction of compound wall. The Commissioner will consider the application on its own merits and if necessary, the Commissioner may also call for the intervener before taking a decision.

3. Since the Second Appeal is pending, it is always open to the parties to apply to this Court if any further emergent situation arises.

(N.M. Jamdar, J.)