

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2215 OF 2018**

Gerard Joseph Almeida ... Petitioner

Versus

Thane Municipal Corporation and Ors. ... Respondents

Mr.A.V.Anturkar, Sr. Adv. a/w. Mr.S.M. Phatak for the Petitioner.

Mr.N.R.Bubna for Respondent Nos. 1 and 2.

Mr.Saurabh Oka for Respondent No. 3.

**CORAM : S.J.KATHAWALLA, &
B.P.COLABAWALLA, JJ.**

DATE : 12TH FEBRUARY, 2020

P.C. :

The following Order is passed by consent :

- i. The Order passed by the learned Civil Judge, Senior Division, Thane dated 21st December 2016 in Regular Civil Suit No. 368 of 2008 is set aside and without prejudice to the contentions of the Petitioner herein and the Municipal Corporation, the Plaintiff – Rohidas Sakharam Mistry is allowed to amend the said Suit.
- ii. The Petitioner herein is allowed to be joined as party Defendant to the said Suit as well as MCA No. 135 of 2009.
- iii. The Order passed by the learned District Judge-3, Thane dated 26th August, 2011 passed in MCA No. 135 of 2009 is set aside without going into the merits

of the same.

iv. The learned District Judge-3, Thane shall allow the parties including the Petitioner herein to file their respective Affidavits / Additional Affidavits and after giving them a hearing, decide MCA No. 135 of 2009 afresh within a period of eight weeks from today.

v. All amendments to be carried out within a period of one week from the date of uploading of this Order.

vi. All contentions of the parties are kept open.

vii. Writ Petition No. 2215 of 2018 as well as Writ Petition No. 4291 of 2017 are disposed off.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)