

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2972 OF 2021
IN
FIRST APPEAL NO.627 OF 2012

Sunita Suresh Tadge & Ors. .. Applicants

In the matter between

Suresh Vitthal Tadge .. Appellant

Versus

Municipal Corporation of Greater

Mumbai .. Respondent

...

Mr.Mangesh Bansod i/b M/s Law Loyals for the Applicants.

Ms.Esha Malik with Mr.Manish Doshi i/b Vimadala & Co. for
the Respondent Nos.2 and 3.

Mr.Om Suryawanshi for Respondent No.1.

...

CORAM: BHARATI DANGRE, J.

DATED : 21st OCTOBER, 2021

P.C:-

1. By the present application, the amendment is sought in the First Appeal in terms of the Schedule 'B' appended to the application, which *inter alia*, seeks impleadment of Appellant Nos.1(a) to 1(d) substituting the sole Appellant in the Appeal, on account of his demise. By consent of the parties, owner and the developer are sought to be impleaded as Respondent Nos.2 and 3 to the Appeal.

2. The amendment, being necessary for effective adjudication of the Appeal and since the cause of action to file the Appeal survived in the legal heirs of the sole Appellant who is expired, the application is made absolute in terms of prayer clause (a). Amendment in terms of Schedule 'B' shall be carried out forthwith. The affidavit in support of the amendment be dispensed with.

3. Since the parties have informed that they have settled the matter amongst themselves and the settlement terms are ready, same be circulated to the counsel appearing for the MCGM.

4. List the Appeal for necessary orders on 25/10/2021 at Sr.No.2.

(SMT. BHARATI DANGRE, J.)