

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.331 OF 2022

The Bandra Holy Family Hospital .. Appellant
Society through Treasurer & Trustee

Versus

Anthony @ Brian Francis D'Souza .. Respondent

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Mr.S.C.Naidu with Mr.Aniketh Poojari, Ms.Divya Yajurvedi,
Mr.Pradeep Kumar and Mr.Sudhesh Kumar Naidu i/b
C.R.Naidu & Co. for the Appellant.

Mr.Jagdish N. Jayale for the Respondent No.1.

Mr.Santosh Parad for the MCGM.

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CORAM: BHARATI DANGRE, J.

DATED : 08th APRIL, 2022

P.C:-

1. Heard learned counsel Mr.Naidu for the appellant,
learned counsel for respondent No.1/original plaintiff and
learned counsel for the MCGM i.e. respondent Nos.2, 3 and 4.

2. The appeal arises out of the order passed by the learned
Judge, City Civil Court at Dindoshi on 21/02/2022.

The appellant before this Court is the intervenor, whose
Chamber Summons is allowed in the suit, filed by defendant
No.1 by order dated 19/03/2022. Since now, he is impleaded

as defendant No.4 to the suit, he deserves to be heard on the Notice of Motion.

Since the plaintiff does not dispute the said preposition, a direction is issued to the City Civil Court to proceed with the Notice of Motion after affording an opportunity of hearing to the plaintiff, defendant Nos.1, 2 and 3 as well as defendant No.4 i.e. the intervenor (appellant before this Court), which would suffice the purpose for all the parties.

3. Since it is informed by the learned counsel for the original plaintiff that even the Corporation has filed a reply, the Notice of Motion can be taken up for final hearing. The learned Judge is, therefore, requested to decide the Notice of Motion expeditiously and, preferably, within a period of four weeks from today.

4. With the aforesaid direction, the Appeal from Order stands disposed off.

5. All the concerned shall act on the authenticated copy of the order.

(SMT. BHARATI DANGRE, J.)