

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3719 OF 2022

IN

WRIT PETITION NO.4909 OF 2016

Vikas Waman Mhatre

.. Applicant

IN THE MATTER BETWEEN

Vijay D. Raut & Ors.

.. Petitioners

v/s.

Kalyan Dombivali Municipal

Corporation and Ors.

.. Respondents

Mr. Akash Warang, for the applicant/intervenor.

Mr. I. M. Khairdi, for the petitioner.

Mr. R. V. Dighe h/f Mr. A. S. Rao, for respondent Nos.1 and 2.

Mr. D. S. Pagare i/by Mr. R. S. Datar, for respondent Nos.3 and 4.

Mr. A. A. Alaspurkar, AGP, for the State.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 28TH SEPTEMBER, 2022.

P.C. :

1. By this application, applicant seeks impleadment in the writ petition as party respondent No.6. Mr. Khairdi, learned counsel for the petitioners has no objection if the applicant is impleaded

as respondent No.6 without prejudice to the rights and contentions of his client. Statement is accepted.

2. Interim application is accordingly made absolute in terms of prayer clause (c). Amendment shall be carried out forthwith. Re-verification is dispensed with. Amended copy of the petition shall be served upon the respondents' advocate simultaneously.
3. Learned counsel for respondent No.6 on instructions states that his client has already settled the matter with petitioner Nos.1 to 7 and is trying to settle the matter with petitioner No.8. Statement is accepted.
4. Per contra, Mr. Khairdi, learned counsel for the petitioners states that according to his instructions matter is settled only with two of the petitioners and not with seven petitioners as canvassed by learned counsel for respondent No.6.
5. Learned counsel for the parties shall take instructions from their respective clients in that regard and to make a statement before this Court on the next date. If the matter is not settled with petitioner No.8 within two weeks from today, affidavit in reply shall be filed within two weeks thereafter. If the dispute is already settled by and between petitioner Nos.1 to 7 and the respondent No.6, the learned counsel for the petitioners shall be at liberty to

apply for withdrawal of the petition insofar as those petitioners are concerned on the next date.

6. We are informed that the condition of the building is dilapidated.

If the occupants, who are staying in the building continue to stay there, the same shall be at their own risk and they shall not hold any of the respondents responsible in case of any untoward incident.

7. Ad-interim relief granted by this Court shall continue to operate till the next date, subject to the above condition.

8. Place the matter on board for 'admission' on 10th November, 2022.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)