

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 546 OF 2022
WITH
INTERIM APPLICATION NO. 3279 OF 2022
IN
APPEAL FROM ORDER NO. 546 OF 2022

Bharat Girdharlal Rughani

.. Appellant

Versus

The Municipal Corporation of Greater Mumbai
& Ors.

.. Respondent

.....

- Mr. Pravin Samdani, Senior Advocate with Mr. Nishant Chothani a/w. Ms. Sneha Patil i/by Maniar Srivastava Associates for the Appellant
- Mr. Rohann Cama and Mr. Bhavin Gada a/w. Mr. Naresh Chheda and Ms. Sakina Electricwala i/by Dhruve Liladhar & Co. for Intervener
- Mr. Santosh Parad for MCGM
- Mr. Kunal Mundle, Sub. Engineer (B & F) P/N Ward- Officer of MCGM

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 24, 2022.

(Vacation Court)

P.C.:

- 1.** Heard learned counsel appearing for the parties.
- 2.** Appellant seeks to implead Respondent No. 4 in the present Appeal from Order ("A.O.") and the same Respondent No. 4 as Defendant No. 4 in Suit No. 1027 of 2022 filed before the learned Bombay City Civil Court at Dindoshi. Amendment is allowed. Amendment in the A.O. be carried out within a period of four weeks.

In so far as Suit No. 1027 of 2022 is concerned, amendment is allowed to be carried out within a period of four weeks. Re-verification stands dispensed with.

3. Respondent Nos. 1, 2 and 3 are the Municipal Corporation of Greater Mumbai and its officers. The Appellant sought ad-interim reliefs in Suit No. 1027 of 2022, which was rejected by order dated 17.05.2022. Hence the present A.O.

4. Mr. Samdani, learned Senior Advocate appearing on behalf of the Appellant submits that the suit is now settled between the Appellant and the newly added Defendant No. 4 (developer). Mr. Cama, learned counsel appearing for the intervener / Respondent No. 4 (Defendant No. 4 in the original suit) consents to the same.

5. Parties have tendered consent terms dated 24.05.2022. The consent terms are signed by the Appellant and the Respondent No. 4. Learned Advocates for the respective parties have also signed the consent terms. The consent terms are taken on record and marked "X" for identification. The undertakings contained in the consent terms are accepted as undertakings given to the Court.

6. Learned counsel submit that original Suit No. 1027 of 2022 filed in the Bombay City Civil Court is also agreed to be settled between the parties. For this reason the impleadment of the Defendant No. 4 in the suit is sought for.

7. Learned Bombay City Civil Court is directed to permit

amendment to be carried out for impleadment of the Defendant No. 4 in Suit No. 1027 of 2022 within a period of four weeks from today. It is stated that Suit No. 1027 of 2022 stands disposed of in view of the aforementioned consent terms dated 24.05.2022.

8. Parties submit that they shall formally tender a copy of disposal of this A.O. and a true copy of the consent terms to the Bombay City Civil Court to allow Suit No. 1027 of 2022 to be disposed of.

9. In view of the consent terms, the A.O. and Interim Application stand disposed of.

[MILIND N. JADHAV, J.]

RAVINDRA
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AMBERKAR

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