

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.367 OF 2022

Mr. Dilip Baburao Guthalkar

.. Petitioner

v/s.

Thane Municipal Corporation

and Anr.

.. Respondents

Mr. Nitin Gangal, for the petitioner.

Mr. S. M. Oak a/w Mr. S. A. Joshi, for the respondent No.2.

Mr. Mandar V. Limaye, for respondent No.1 – T.M.C.

Mr. Dilip Baburao Guthalkar – Petitioner is present in the Court.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 14TH SEPTEMBER, 2022.

P.C. :

1. After arguing the matter for sometime Mr. Gangal, learned counsel for the petitioner seeks liberty to withdraw this petition with liberty to pursue the pending suit filed by the petitioner before the learned Civil Judge Senior Division, Thane (Regular Civil Suit No.188 of 2012). He further prays for impleadment of respondent No.2 herein as party in said suit and seeks liberty to

apply for interim relief in the said suit against respondent No.2.

2. Mr. Oak, learned counsel for the respondent No.2 has no objection if his clients is impleaded as party to the said suit. Statement is accepted.
3. Petitioner is at liberty to seek amendment before Civil Judge Senior Division to implead the respondent No.2 as party. The petitioner would at liberty to file interim relief against the respondent No.2 herein in the said suit. The respondent No.2 will not raise any objection about maintainability of the interim application. It is made clear that respondent No.2 is at liberty to raise all possible contentions permissible in law on merits in the interim application proposed to be filed by the petitioner. It is made clear that this Court has not expressed any views on the merits of the Regular Civil Suit No.188 of 2012 and the interim application that would be filed by the petitioner against the respondent No.2 herein after impleadment of the condition. All contentions on merits are kept open.
4. Plaintiff No.1 in the said suit is senior citizen. The Respondent No.2 herein upon impleadment is directed to file written statement within eight weeks thereafter.
5. Parties are at liberty to apply for early date before the learned

Civil Judge Senior Judge for expeditious hearing. The learned Civil Judge Senior Division is requested to make an endeavor to dispose off the suit within two years from the date of the newly impleaded party filing written statement.

6. Writ petition is allowed to be withdrawn on the request made by learned counsel for the petitioner on instructions who is present in the court.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)