

VRJ

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

**FIRST APPEAL NO.1835 OF 2010
WITH
CIVIL APPLICATION NO.4532 OF 2016
IN
FIRST APPEAL NO.1835 OF 2010**

Sitha Wd/o Nathu Shetty & Ors. ... Appellants
V/s.
Ramchandra Manjunath ... Respondent

**WITH
INTERIM APPLICATION NO.439 OF 2023
IN
FIRST APPEAL NO.1835 OF 2010**

Sitha Wd/o Nathu Shetty & Ors. ... Appellants
V/s.
Ramchandra Manjunath & Anr. ... Respondents

Mr. Shriram S. Redij for the appellants.
Mr. Santosh Parad for the MCGM.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 31, 2023

P.C.:

INTERIM APPLICATION NO.439 OF 2023

1. The appellant has filed present application seeking direction against the Assistant Municipal Commissioner, H/West Ward, Municipal Corporation for Greater Mumbai to permit the applicant

to reconstruct the suit shop structure.

2. Undisputedly, the Municipal Corporation is not party to the suit. The appeal arises out of decision in a suit. No relief can be granted in an appeal against a person who is not party to the suit. Therefore, the application is disposed of with liberty to the applicant to adopt appropriate remedies before the appropriate Court seeking reliefs which the applicant is entitled, if any, according to the law.

3. The interim application stands disposed of. No costs.

FIRST APPEAL NO.1835 OF 2010

1. Leave to amend to incorporate the name of Mr. Anup Janardan Rao as heirs and legal representative of the deceased respondent.

2. It is made clear that the entitlement of Mr. Anup Janardan Rao to represent the deceased respondent shall be decided after hearing.

3. Stand over to 14th February, 2023.

(AMIT BORKAR, J.)