

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14 OF 2023
IN
FIRST APPEAL NO.938 OF 1992

Mr. Gopal Shetty (Deceased) Through LRS And ...Applicants/
Ors. ...Appellants

Versus

Municipal Corporation Of Greater Bombay And ...Respondents
Anr.

Ms. Swati Chheda i/b. M.P. Vashi Associates, Advocate for Applicants/
Appellants.

Mr. Santosh Parad Advocate for Respondent/MCGM.

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CORAM : M.M. SATHAYE, J.

DATE : 28th NOVEMBER, 2023

P.C. :

1. This is an application by the Appellants to delete the name of the Respondent No. 2 (M.P. Nerkar) from the cause title and substitute the same with Mr. Vishwas Shankarwar who is current Deputy Municipal Commissioner, 'M' Ward. Learned counsel for the Respondent (M.C.G.M.) submitted that there is no need to make the Deputy Municipal Commissioner party by name and appeal can continue with only the designation.

2. Indeed, this is an Appeal arising from civil proceedings and as such this Court is of the view that an officer of the municipal corporation need not be included/made party by name.

3. Therefore, this Application is allowed in terms of prayer cause (a) only. The name of M.P. Nerkar be deleted from the cause title. The appeal shall continue with 'Deputy Municipal Commissioner' as Respondent No. 2.
4. Necessary amendment be carried out within 1 week from today. The Applicants are also permitted to amend the address of Respondent No. 2 as 'Zone 5, M-Ward, 3rd Floor, Municipal Office, Sharadbhau Acharya Marg, Near Natraj Cinema, Chembur, Mumbai – 400 071'.
5. Interim Application is disposed of in the above terms.
6. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)