

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16691 OF 2023
IN
APPEAL FROM ORDER (STAMP) NO.29490 OF 2023
WITH
APPEAL FROM ORDER (STAMP) NO.29490 OF 2023

Nahar Builders Limited & Ors.Appellants/Applicants
V/S
Nilesh Pranal Doshi & Ors.Respondents
...

Mr. Arif Y. Bookwala, Senior Advocate, a/w Mr. Filji Frederick, Mr. Archit Chaturvedi, Ms. Alisha Mohite i/b M/s. FF and Associates for the Appellants/Applicants.

Mr. Smita Tondwalkar for Respondent No.2-MCGM.

Mr. Amogh Singh for Respondent No.3.

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CORAM: SANDEEP V. MARNE, J.

DATE : OCTOBER 27, 2023.

P.C.:

INTERIM APPLICATION NO.16691 OF 2023:

- 1 The Interim Application is filed seeking leave to file present Appeal.
- 2 Considering the nature of the order that is being passed in the present Appeal, the Appellants are permitted to file the present Appeal.
- 3 The Interim Application is accordingly disposed of.

APPEAL FROM ORDER (STAMP) NO.29490 OF 2023:

4 The challenge in the present Appeal is order dated 20 October 2023 by which Plaintiff's Draft Notice of Motion is disposed of directing Municipal Commissioner to pass fresh speaking order in pursuance of Reply dated 12 October 2023 submitted by the Plaintiff.

5 I have heard Mr. Bookwala, the learned Senior Advocate for the Appellant and Mr. Amogh Singh, the learned Counsel appearing for Respondent No.3.

6 Mr. Singh, the learned Counsel appearing for the Plaintiff fairly submit that the Appellants would be permitted to participate in the suit and that his Chamber Summons for impleadment would not be opposed. In that view of the matter, it would be open for the Appellants to oppose any further Notice of Motion that may be filed by the Plaintiff in the event the fresh speaking order is passed by the Municipal Commissioner against the Plaintiff.

7 In that view of the matter, nothing further needs to be adjudicated in the present Appeal. The Appeal is disposed of.

(SANDEEP V. MARNE, J.)