

HARSHADA H. SAWANT  
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1162 OF 2024

Litolier Artefacts Pvt. Ltd.

.. Petitioner

**Versus**

The Municipal Corporation of Greater Mumbai  
and Ors.

.. Respondents

- .....
- Mr. Karan Bhosale a/w. Ms. Rajani Yadav and Ms. Durgaprasad Sabnis i./by Lex Firmus, Advocates for Petitioner.
- .....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 01, 2024

P.C.:

1. Heard Mr. Bhosale, learned Advocate for Petitioner.
2. The impugned order dated 13.12.2023 rejects the impleadment Application of owner of the subject property in respect of which the notice has been issued by Corporation for removal of unauthorized M.S. Gate and four Sintex Water Tank.
3. Admittedly, the Applicant i.e. Petitioner / Intervenor is the owner of the suit premises and therefore there can be no impediment in impleadment of the owner to the Suit proceedings in view of the Division Bench judgment of this Court in case of *Ashok Babulal Avasthi V/s. Munna Nizamuddin Khan and Ors.*<sup>1</sup>
4. The reasoning given by the learned Trial Court in rejecting the Application in paragraph No.6 therefore cannot be countenanced.

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<sup>1</sup> W.P.No.6933 of 2022 decided on 29.11.2023.

**5.** An arguable case has been made out by Mr. Bhosale for issuance of notice and stay of the impugned order. The impugned order dated 13.12.2023 is stayed. Respondents to take immediate notice.

**6.** Hence, issue notice to Respondents. Petitioner is directed to serve the Respondents. Humdast permitted. In addition to Court's notice, Petitioner is permitted to serve the Respondents a copy of this order and Petition and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Petition on or before the next date.

**7.** It is clarified that this Writ Petition shall be disposed of on the next adjourned date.

**8.** Stand over to **09<sup>th</sup> February, 2024** at 02.30 p.m.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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