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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.29864 OF 2018

Neeraj @ Niraj Sharma ...Petitioner
V/s.
The Municipal Corporation for Greater Mumbai & Ors. ...Respondents

Mr.R.M. Haridas I/b Mr.Prasad P. Kulkarni for the Petitioner.

Mr.D.S. Shingade for the Respondent Nos.1 and 2.

Mr.D.S. Sakhalkar I/b Mr.Manoj Kumar Upadhyay for the Respondent
Nos.3 and 4.

CORAM : R.D. DHANUKA, J.
DATE : 19TH OCTOBER, 2018.

P.C. :-

1. The petitioner has impugned the order passed by the learned Trial Judge thereby allowing impleadment application filed by the respondent nos.3 and 4 in the suit filed by the petitioner (original plaintiff) impugning the notice under section 351 of the Mumbai Municipal Corporation Act. The respondent nos.3 and 4 appear to have filed a complaint to the Municipal Corporation against the petitioner. In the impugned order and more particularly paragraph 6 though the learned Trial Judge has *prima-facie* rendered a finding that the dispute was between the petitioner and the Municipal Corporation and the third party had no role to be played in the suit,

the learned Trial Judge has allowed the impleadment of the respondent nos.3 and 4 as the defendants. In my view, the impugned order is *ex-facie* contrary to the principles of law laid down by the Hon'ble Supreme Court in case of **Mohamed Hussain Gulam Ali Sharifi vs. Municipal Corporation of Greater Bombay & Ors., 2017(6) ALL MR 420 (S.C.)**.

2. Rule. Learned counsel for the respondent nos.1 and 2 and the respondent nos.3 and 4 waive service.

3. The impugned order passed by the learned Trial Judge on 21st September, 2018 in Chamber Summons No.1019 of 2018 is stayed. Hearing of the petition is expedited.

4. The respondent nos.3 and 4 would be at liberty to file compilation of documents within eight weeks from today.

(R.D. DHANUKA, J.)