

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7091 OF 2014

Mr. John P. Crasto .. Petitioner

vs.

Mr. Sylvester P. Crasto and anr. .. Respondents

Mr. Rakesh Pandey i/b Mr. S.A. Shah for the Petitioner.

Ms Bhavika S. Chatuphale for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 28 AUGUST 2015.

P.C. :-

1] The petitioner challenges the order dated 22 January 2014, by which the respondent No.1 Mr. Sylvester Crasto has been permitted to impleaded as defendant No.2 in the suit.

2] The record indicates that the respondent No.1 is staying in the suit premises alongwith his wife Alicia M. Crasto (respondent No.2) against whom the petitioner had instituted the suit for eviction. Further, it is an admitted position that the petitioner and the said Sylvester Crasto are brothers. There is, in fact, an admission on the part of the petitioner that Sylvester Crasto is one of the co-owner of the building in which the suit premises are situated. In these circumstances, if the Trial Court has exercised discretion and permitted the impleadment of said Sylvester Crasto as defendant to the suit, it cannot be said that such exercise is in excess of jurisdiction.

3] In the peculiar facts and circumstances of the present case, there is no reason to interfere with the impugned order. Accordingly, petition is dismissed. There shall, however, be no order as to costs.

4] However, considering that the petitioner is a senior citizen and the suit was instituted in the year 2010, the Trial Court is directed to dispose of the suit, as expeditiously as possible and in any case within a period of one year from the date of production of an authenticated copy of this order.

5] All parties to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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