

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3848 OF 2015

Dwarkanath G. Thite .. Petitioner
vs.
Municipal Corporation of
Greater Mumbai and ors. .. Respondents

Mr. A.K. Karandikar for the Petitioner.

CORAM : M. S. SONAK, J.
DATE : 15 April, 2015.

P.C. :-

- 1] Not on board. Upon production, taken on record.
- 2] This petition challenges the order dated 26 March 2015 made by the City Civil Court, directing the plaintiff to implead the applicants in Chamber Summons No.210 of 2015 as defendant Nos.3,4 and 5.
- 3] The learned counsel for the petitioner submits that apart from the applicants in Chamber Summons, there are certain other persons, who, also may be co-owners of the suit property and as such even they ought to be parties to the suit.
- 4] The petitioner is, admittedly, the plaintiff in the suit. The impugned order nowhere precludes the petitioner from taking out the appropriate proceedings for joinder of any other persons, in case they are really necessary for the purposes of effective adjudication in the suit. Suffice to state that there is no case made out to interfere

with the impugned order, which directs the impleadment of the applicants as defendant Nos.3,4 and 5.

5] The learned counsel for the petitioner further submitted that the applicants in the Chamber Summons are not in possession of the suit property, since the Receiver has been appointed. Such contention, is not really relevant for the purposes of deciding whether the applicants in the Chamber Summons are necessary or appropriate parties to the suit.

6] Accordingly, there is no jurisdictional error in making of the impugned order. This petition is dismissed. There shall be no order as to costs.

7] Since this petition is being dismissed today, time to carry out the amendment and supply copies of the amended plaint to the Court and the other defendants, is extended by a period of two weeks from today.

8] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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