

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10041 OF 2014

Lalitkumar Somdutt Nagpal

.. Petitioner.

vs.

M/s. Metal Box India Limited and ors.

.. Respondents.

Mr. M.M. Vashi, Sr. Advocate a/w. Mr. S.M. Sharma & Mr. Makarand Kale i/b Mr. M.P. Vashi & Associates for the Petitioner

Mr. R.H. Mirza for Respondent No.1.

Mr. P.K. Dhakephalkar, Sr. Advocate a/w. Mr. Chirag Modi, Mr. Sridhar Chari, Mr. J. Fernandes i/b DSK Legal for Respondent No.4.

CORAM : M. S. SONAK, J.

DATE : 6 JANUARY, 2015

P.C. :-

1] This petition is directed against the order dated 26 February 2014, by which respondent No.4 has been permitted to intervene in the appeal preferred by respondent No.1 before the Additional Commissioner Konkan Division, Mumbai.

2] The impugned order records no reason, because learned counsel for respondent No.1 did not object to the intervention. This petition is at the behest of respondent No.2, who has set up an independent claim by way of adverse possession in respect of the property which is subject matter of the appeal.

3] It is settled position in law that the plaintiff or for that matter in the present case, the appellant is a *dominus litus*. Besides, respondent No.4 cannot be regarded as a complete stranger to the proceedings. In the application seeking intervention, respondent No.4 has pleaded that respondent No.4 has acquired some interest in the property by virtue of a registered document datd 16 October 2004.

4] In view of this matter, no interference is required with the impugned order. Petition is, therefore, dismissed. No order as to costs.

(M. S. SONAK, J.)

dinesh