

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2868 OF 2014

IN

WRIT PETITION NO.5739 OF 2014

Endemic Realtors Private Limited

.. Applicant

IN THE MATTER BETWEEN

Mrs. Khairunisa Mohammed Hussaina and others

.. Petitioners

Versus

Municipal Corporation of Greater Mumbai

'F' South Ward, Dadar, Mumbai and others

.. Respondents

Mr. A. M. Dubey, for the original Petitioners.

Ms. Pallavi Thakkar, for the Respondent No.1.

Mr. Y. R. Shah, for the Respondent No.18.

Mr. S. D. Rayrikar, AGP for the Respondent No.19.

Mr. Ameya Deosthale a/w Ms. Viloma Shah i/by Hariani & Co., for the Applicant.

CORAM : R.M. SAVANT, J.

DATE : 13th JULY, 2015

PC.

1. The above Civil Application has been filed by the Applicant seeking its intervention in the above Petition. The above Petition has been filed by the original Petitioners who claim to be lessees of the property in question which is the subject matter of a deemed conveyance in favour of

the original Respondent No.18 society i.e. Mamta Ashish Co-operative Housing Society Ltd. The Applicant seeks its impleadment on the ground that the Respondent No.18 society has entered into a development agreement with the Applicant and therefore, if the Applicant is not heard in the above Petition prejudice is likely to be caused to the Applicant. As mentioned herein above the subject matter of the Writ Petition is the deemed conveyance granted to the Respondent No.18 society under the provisions of the Maharashtra Ownership of Flats Act, 1963. The said deemed conveyance is sought against the lessees i.e. original Petitioners who had caused the construction of the building in question. The Applicant herein has nothing to do with the cause of action on the basis of which the above Petition has been filed. The issue in the Petition is as to whether the Respondent No.18 society is entitled to deemed conveyance. The mere fact that the Applicant has been appointed as a developer by the Respondent No.18 society would not entitle it to be heard in a matter which is between the lessees of the plot of land in question and the Respondent No.18 society. In that view of the matter, no relief can be granted to the Applicant in the above Civil Application, the same is accordingly rejected. List the Petition for admission on 27.07.2015.

[R.M. SAVANT, J]