

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 198 OF 2014.

Mrs.Puran Parviz Niroo

.. Petitioner

Vs.

M/s Rockford Structures Pvt.Ltd. & ors.

.. Respondents

Mr.Sajid Shamim, for the Petitioner.

None for Respondents.

CORAM: N.M.Jamdar J.

Tuesday 17 March, 2015

P.C.:

By this petition, the Petitioner challenges the order passed by the learned Small Causes Court judge dated 6 August 2013 rejecting the application of the Petitioner to implead herself in the proceedings instituted by Respondent-landlord.

2. The Petitioner had filed the application on the ground that she is a partner of the partnership firm, who is a tenant of the premises. According to her since she is a partner she was necessary party in the proceedings. The learned Small Causes Court judge has taken a view that the firm was already represented and nothing was placed on record, why the Petitioner should be made a party when the interest of the firm was adequately protected.

3. No fault can be found with this view. Mr. Shamim, the learned counsel for the Petitioner however, submitted that after the impugned order is passed various developments have taken place whereby in fact, the Petitioner has become the sole partner.

4. The impugned order is based on the basis that the Petitioner had not placed any material on record. If the Petitioner has now cogent material available in view of the subsequent events, the Petitioner could always make an application on that basis. In view of this clarification, no further orders are required to be passed in this petition and the petition is accordingly disposed of.

(N.M. Jamdar J.)