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

WRIT PETITION NO. 2302 OF 2016

Kumudchandra Mahipatrai Sanghvi. ... Petitioner.

V/s.

Vile Parle Nimal Bhuvan Premises & Ors. ... Respondents.

Mr. P.D. Parajape a/w. Nikhil Pawar for the Petitioner.

Mr. Uzair Kazi i/b. Unmesh Breed for Respondent 3.

CORAM : N.M. Jamdar, J.

18 August, 2016.

Oral Order :-

By this Petition the Petitioner challenges the order passed by the City Civil Court Judge, Mumbai dated 24 July 2015. By the impugned order the Suit filed by the Original Plaintiff was dismissed and the application filed by the Petitioner for transposition was not considered.

2. The suit was filed by Respondent No.1 – Co-operative Society. In this suit a Chamber Summons was moved by the Petitioner for adding himself as a party in the suit. This Chamber Summons was allowed and the Respondent – Plaintiff was directed

to comply with the order within 15 days. The Respondent No.1 – Plaintiff did not comply with this order and consequently, by the impugned order, the suit was dismissed for non-prosecution. In the meanwhile, the application was filed by the Petitioner for transposing him as a co-plaintiff which was not considered in view of disposal of the suit and the fact that the Petitioner – intervenor was not a party in the suit.

3. The suit was instituted by the Co-operative Society. As on date nothing is placed on record by the Petitioner that the Petitioner is authorized by the Respondent No.1 – Plaintiff Society to prosecute the suit. Any grievance the Petitioner has to be therefore, in his individual capacity and as any litigant who has any grievance of civil nature, the Petitioner can also institute a Civil Suit for redressal of his grievance. It is, therefore, not necessary to interfere with the impugned order. It is needless to state that if any such suit is filed, it will be considered on its own merits and this Court has not granted any specific liberty to the Petitioner but has only recognized the right of the Petitioner as any other litigant to institute a civil suit. By keeping all the contentions of the parties on merits open as regards the suit, if any, filed by the Petitioner, the Writ Petition is disposed of.

(N.M. Jamdar, J.)