

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application NO. 624 OF 2016
IN
Civil Revision Application NO. 909 OF 2014
With
Civil Revision Application NO. 909 OF 2014

Mrs. Asma Begum Mohammed
Siddique Shaikh ...Applicant

Versus

Mrs. Farida Amin Tharani
And Ors ...Respondents

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Mr.G.S. Godbole, Senior Advocate a/w. Jai Kanade, J.P. Kapadia,
Akshay Vora, Tapan Agarwal i/b. Little & Co., for the Applicant.
Mr.Rakesh D. Kumar a/w. L.R. Shukla, i/b. M/s. Legal Vision,
for Respondent No.1.

Mr. Mandar Soman, Advocate for Respondent No.4.

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CORAM : R. G. KETKAR, J.
DATE : 13th OCTOBER, 2016

P.C.

1. Heard Mr.G.S. Godbole, learned Senior Counsel for the applicant, Mr.Rakesh Kumar, learned Counsel for respondent No.1 and Mr.Mandar Soman, learned Counsel for respondent No.4, at length.

2. This is an application filed by the applicant for amending C.R.A. in terms of schedule of amendment. In the application it is stated that in view of the subsequent developments, it is necessary to amend the C.R.A.

3. On the other hand, Mr.Rakesh Kumar opposed the application on the ground that the applicant is not entitled

to the reliefs claimed in the application and more particularly prayer clauses (b), (b-1) and (c). He further submitted that respondent No.4 is neither a necessary nor a property party.

4. Mr. Soman submitted that in the application, no prayer is made for impleading respondent No.4 in C.R.A. He further submitted that respondent No.4 is neither a necessary nor a property party. He, therefore, submitted that no case is made out for impleading respondent No.4 in C.R.A.

5. I have considered the rival submissions advanced by learned Counsel appearing for the parties. I have also perused the material on record. In the application, it is specifically asserted in paragraph-12 as also in paragraph-31K of the proposed amendment that respondent No.1 has executed registered leave and licence agreement on 25.8.2016 in favour of respondent No.4. Said assertion is not denied by respondent No.1 and respondent No.4. Respondent No.4 has in fact accepted that he is inducted in the suit premises in pursuance of said leave and licence agreement.

6. In my opinion, respondent No.4 is a necessary party as any order that may be passed in C.R.A. will adversely affect him. In view thereof, I do not find any merit in the submissions of Mr.Kumar and Mr. Soman that

respondent No.4 is neither a necessary nor a proper party.

7. Mr. Soman submitted that in the application no prayer is made for impleading respondent No.4 in C.R.A. Perusal of schedule of amendment and in particular paragraph-1 thereof clearly shows that the applicant has prayed for impleadment of respondent No.4 in C.R.A. Having regard to prayer clause (a) of the application, I do not find any merit in the submission of Mr.Soman that no prayer is made for impleadment of respondent No.4. In view thereof and for the reasons stated in the application for amendment, I am of the opinion that the applicant has made out a case for allowing application in terms of prayer clause (a). As far as rest of the prayers in the application are concerned, same can be considered at the time of hearing of C.R.A. Hence, Civil Application stands allowed in terms of prayer clause (a). Amendment shall be carried out on or before 17.10.2016. Amended slip shall be made over on other side during the same period.

8. List Civil Revision Application for final hearing on 20.10.2016 at 3:00 p.m.. Parties are put to notice that subject to time constraint and convenience of the Court, Civil Revision Application will be disposed of finally on that date.

(R. G. KETKAR, J.)