

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10643 OF 2015**

Maggie Titus Soares

..Petitioner

Vs.

Shaila Swar U Anr.

..Respondents

Ms Nutan Moily for the Petitioner

Mrs. Shaila Pathak i/b Pathak & Associates for the Respondent No.2

Mrs. Shaila Swar the Respondent No.1 present

CORAM : R. M. SAVANT, J.

DATE : 8th JANUARY, 2016

P.C.

1 The Writ Jurisdiction of this court is invoked against the order dated 13-8-2013, as also the order dated 5-9-2015 passed by the Appellate Bench of the Small Causes Court, which dismissed the Revision Application filed by the Petitioner against the order passed by the Learned Judge of the Small Causes Court.

2 The Respondent No.2 herein who is the main contesting party in so far as the above Petition is concerned, in view of the fact that she had filed an application for her impleadment in the eviction Suit filed by the Petitioner which application came to be allowed and which order of the Trial Court was challenged by way of a Revision which Revision came to be dismissed, has given rise to the above Writ Petition.

3 It is an undisputed position that the Respondent No.2 is a co-owner of the property in question wherein the tenanted premises are situated. The Trial Court has allowed the said application having regard to the well settled principles applicable to Order I Rule 10 of the Civil Procedure Code by holding that the Respondent No.2 if not a necessary party is a proper party to the Suit. The Appellate Bench of the Small Causes Court exercising the revisionary powers under Section 34(4) of the Maharashtra Rent Control Act did not find any reason to exercise the revisionary jurisdiction and accordingly dismissed the Revision Application. The Respondent No.2 herein as a co-owner, though not a necessary party can be said to be a proper party to the Suit whose presence would aid in a complete adjudication of the Suit in question. Hence no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]