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

WRIT PETITION NO. 252 OF 2016

The Elegance Co-operative Housing
Society Ltd.

... Petitioners.

V/s.

Mr. Samarnath jagannath Sharma & Ors.

... Respondents.

Mr. Ram Apte, Senior Advocate i/b. Saurabh Oka for the
Petitioners.

Mr. Abhijit Kandarkar for Respondent 8.

CORAM : N.M. Jamdar, J.

26 September, 2016.

Oral Order :-

On 21 September 2016 following order was passed :-

“ Learned Advocate for Respondent No.8 seeks time to take instructions whether the Respondents are agreeable for joining the Petitioner as a party in the suit as well as Miscellaneous Civil Appeal so that the Miscellaneous Civil Appeal can be proceeded with. Stand over to 26 September 2016 “for directions”. Ad-interim order to continue till then.”

2. The learned Counsel for Respondent 8 – Appellant in the Misc. Civil Appeal on instructions states that the Respondent No.8 has no objection for joining the Petitioner – Co-operative Society as party Respondent in the Suit. Even otherwise, before formation of the Society, the cause was pursued by the individual members and now Co-operative Society has been formed, it is appropriate that the Co-operative Society is joined as a Plaintiff to the dispute.

3. In view of above consensus between the parties, the impugned order dated 4 December 2015 is quashed and set aside. The Application filed by the Petitioner below Exhibit 22 is allowed.

4. Since the Misc. Civil Appeal is pending since the year 2014, the learned District Judge will consider disposing of the same as early as possible preferably within six months from today. Liberty to the Petitioner to move an application, if not already filed for impleadment as the Plaintiff in the Suit. In view of statement of the learned Counsel for Respondent No.8, as already recorded above, the Respondent No.8 will not oppose the application for impleadment in the Trial Court as well.

5. The Writ Petition is disposed of in above terms.

(N.M. Jamdar, J.)