

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

WRIT PETITION NO. 2300 OF 2016

Matushree Steel Industries (P) Ltd. ...Petitioner
Versus

Miss.Chitrakshi Kotian & Ors. ...Respondents

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Ms.Sheetal Shah a/w. Ms.Isha Vyas i/b. M/s. Mehta & Girdharlal for the
Petitioner.

Mr.Pradeep J. Thorat for Respondent Nos. 1A to 1C.

Mr. Pradeep M. Patil for Respondent No. 3-BMC.

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CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JUNE 20, 2017

P.C. :

1. Rule. Rule made returnable forthwith. By consent, petition is heard finally and disposed of at the stage of admission.

2. This petition is directed against the order dated 16.12.2015 passed by the learned Judge, City Civil Court, Mumbai thereby allowing Chamber Summons No. 1602 of 2014 in L.C. Suit No. 4255 of 2007.

3. Plaintiff/ respondent no.1 had filed the Suit for restoration of electric supply, which according to him was wrongly disconnected by BEST i.e. respondent no. 2 and also prayed for damages. Chamber Summons No. 1602 of 2014 was taken out by the plaintiff/ respondent no.1 to implead the Municipal Corporation as a party defendant to the Suit. The Suit is of 2007 and the Chamber Summons had taken out in the year 2014 i.e. after laps of seven years to implead the Municipal

Corporation as a party to the Suit and therefore, the issue of limitation was raised.

4. The learned counsel for the petitioner has submitted that these two issues are important. BEST i.e. respondent no.2 itself is an independent unit in respect of giving electricity supply. The Municipal Corporation is not a proper and necessary party.

5. The learned counsel for respondent no.1/ original plaintiff has supported the order dated 16.12.2015 passed by the learned Judge, City Civil Court, Mumbai. He has submitted that it was mentioned in the Written Statement filed by BEST i.e. original defendant no.1 that BEST is a unit of the Municipal Corporation and thus the Municipal Corporation is a parenting body. It was further contended that the Suit is bad-in-law for want of necessary party.

6. Perused the impugned order. Considering the facts of the case, the Municipal Corporation is a parent body of BEST and it is a necessary party to the Suit. No interference is required in the order dated 16.12.2015 passed by the learned Judge, City Civil Court, Mumbai. Hence, Writ Petition is dismissed.

7. In view of the above, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)