

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

**WRIT PETITION NO. 5372 OF 2017**

Manoj Kusumchand Jhaveri

...Petitioner

Versus

The Municipal Corporation of Greater  
Mumbai & Ors.

...Respondents

.....

Mr.S.S.Kanetkar for the Petitioner.

Mr.R.A.Thorat, Senior Advocate i/b. Mr.Sandeep S. Sharma for  
Respondent No.3.

Mr. Vinod Mahadik for BMC (Respondent Nos. 1 and 2).

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**CORAM: Mrs.MRIDULA BHATKAR, J.  
DATED: JUNE 6, 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 13.04.2017 passed by the learned Judge, City Civil Court, Mumbai thereby allowing the Chamber Summons No. 466 of 2017 for impleading the applicant as a party in the Suit is under challenge.
3. The petitioner/original plaintiff has filed Suit (Stamp) No. 2292 of 2017 for challenging a notice issued by the Municipal Corporation of Greater Mumbai regarding unauthorized construction of the plaintiff in

the suit premise. The applicant/ respondent no. 3 is a landlord. The said Chamber Summons has allowed by the learned Judge, City Civil Court, Mumbai. Hence, this Writ Petition.

4. The learned counsel for the petitioner/original plaintiff has submitted that he has filed the Suit seeking relief against the Corporation. The landlord is not a proper party.

5. The learned senior counsel for respondent no.3 submits that it is a matter of appreciation whether to implead a party in a Suit. The applicant is a landlord, who has given a complaint to the Municipal Corporation of Greater Mumbai about the unauthorized construction carried out by the plaintiff.

6. Perused the order. Considered the observations made by the learned Judge, City Civil Court, Mumbai specially in paragraph nos. 1 and 3. I do not find any illegality in the order passed by the learned Judge, City Civil Court, Mumbai. No interference is required. Amendment is to be carried out by the plaintiff within a period of two weeks and the copy of amendment is to be served on the other side.

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

**(MRIDULA BHATKAR, J.)**