

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.1956 OF 2018
WITH
WRIT PETITION NO.2043 OF 2018

Mrs. Padmavati Kurubgathesh Deshpande		Petitioner
Vs.		
Vasav Enterprises Pvt. Ltd.		Respondent

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Mr. R.G. Jagtap i/b Jagtap & Jagtap Co., for the Petitioner.
Mr. Simil Purohit a/w Manish Doshi i/b Vinodalal & Co., for
Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 26TH FEBRUARY, 2018.

P.C.

Heard Mr. Jagtap, learned Counsel for the petitioner and
Mr. Purohit, learned Counsel for the respondent at length.

2. These Petitions are directed against the orders dated 15th
January 2018 below Exhibit 19 in R.A.E. Suit No.1655 of 2016 and
R.A.E. Suit No.1656 of 2016 passed by the learned Judge, Small
Causes Court, Mumbai. By these orders, the learned Trial Judge
rejected the applications made by the defendant for impleading State

of Maharashtra and Mumbai Metropolitan Rail Corporation Limited as party defendants.

4. A perusal of the order shows that acquisition is not yet complete. In view thereof, I am satisfied that the requests made by the petitioner are pre-mature and therefore, no case is made out for interfering with the impugned orders. Writ Petitions are disposed of. No order as to costs. However, after the acquisition is over and the possession u/s 16 of the Land Acquisition Act, 1894 is taken by the respondent, liberty is reserved to the petitioner to file applications for impleadment of State of Maharashtra and Mumbai Metro Rail Corporation Limited as party defendants. In that event, the learned trial Judge to decide those applications un-influenced by the observations made in this order. The Trial Court to proceed with the suits in accordance with law.

[R.G. KETKAR, J.]