

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.152 OF 2018**

**IN
APPEAL NO.289 OF 2015
IN
SUIT NO.353 OF 2009**

Loytin Thomas Correa

**..Applicant/
Intervenor**

IN THE MATTER BETWEEN

Mr. Nusli N. Wadia and others

..Appellants

Versus

Bastion Constructions

..Respondent

AND

Loytin Thomas Correa

..Applicant

**Mr. Omkarnath R. Tiwari, Advocate for the Applicant/
Intervenor.**

**Mr. Navroz Seervai, Senior Advocate a/w Mr. Snehal Shah, Ms.
Rutuja Patil I/by M/s. Negandhi Shah & Himayatullah, Advocate
for the Appellants.**

**Mr. Pravin Samdani, Senior Advocate a/w Mr. Bhushan
Deshmukh, Ms. Jasmine Sheth, Ms. Tanvi Shah, Mr. A. Dedhia
I/by M/s. Wadia Ghandy & Co., Advocate for Respondent.**

CORAM : B. R. GAVAI &

RIYAZ I. CHAGLA, JJ.

DATE : 11th DECEMBER, 2018

P.C.

1] The present Chamber Summons is taken out by the
Applicant praying for joining him as party Respondent in the
present Appeal.

2] The Appeal arises out of the judgment and decree

passed by the learned Single Judge in Suit No.353 of 2009. The suit was filed by the Respondent against the Defendants seeking specific performance of contract. The suit is decreed. Being aggrieved thereby, the Appellants/original Defendants have filed the Appeal.

3] It is the contention of the Applicant that his grandfather was in exclusive possession of the suit property as a tenant and which property came in succession initially to his father and thereafter to him. He therefore submits that for protecting his interest as tenant of the suit property, he is necessary party.

4] We find that the present Applicant is neither necessary, nor proper party to the present proceedings. The proceedings are basically with regard to specific performance of the contract between Plaintiff and the Defendants. If the Applicant is of the view that he has any legal right on the basis of the alleged tenancy, he is always at liberty to pursue remedies as are permissible in law to protect his interest. We find that his presence is not necessary. The Chamber Summons is therefore rejected.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]