

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

**CHAMBER SUMMONS NO.2 OF 2018
IN
WRIT PETITION NO.2381 OF 2015**

Shree Ganesh Trust	... Applicant
and	
Chiman Dayaldas Sainani	... Petitioner
v/s	
Controller of Accommodation and others	... Respondents

Mr Chaitanya Chavan i/b Mr Vinayak Kumbhar for Applicant.
Mr Rajendra V. Pai with Mr Alaukik R. Pai, Ms Neuty Thakkar and Mr Akshay R. Pai for Petitioner.
Mr M.A. Sayed, AGP for Respondent – State.

***CORAM : K.K. TATED AND
B.P. COLABAWALLA, JJ.***

DATE : 21 March, 2018.

P.C. :-

1. Heard learned counsel for the parties.
2. This Chamber Summons is preferred by owner of the suit property i.e. Flat No.C27, First Floor, Ganesh Baug, Dr. B.R. Ambedkar Road, Matunga, Mumbai 400 019 for joining them as Respondents in Writ Petition No.2381 of 2015.

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3. The learned counsel for Applicant submits that in the present Writ Petition, the Petitioner is challenging the orders dated 3rd June 2013 and 24th July 2015 passed by the Respondents under the Bombay Land Requisition Act 1948 directing the Petitioner to handover the suit property to the Government. He submits that Applicant Trust being owner of property is interested person in the present proceedings. Hence, the Petitioner may be directed to join Applicants as party Respondents.

4. The learned counsel for Petitioner, vehemently opposed the Chamber Summons. He submits that the dispute is between the Petitioner and the Respondents. He submits that Applicants being owner of suit property are protected as per section 27 of the Maharashtra Rent Control Act 1999. Therefore Chamber Summons be dismissed with costs.

5. The Applicant being the owner of the suit property, if any order is passed by this Court in Writ Petition, Applicant's interest will affect. Therefore, we satisfy that the Applicant has made out a case.

6. Hence, Chamber Summons is allowed in terms of prayer clause (a) which reads thus :-

- “(A) this Hon'ble Court be pleased to an order directing the Petitioner to add the Applicant as Respondent in the captioned Writ Petition and thereafter serve a copy of the amended Writ petition on the Applicant so as to enable them to take further steps.
- (B) The Petitioner to carry out amendment within three weeks from today.
- (C) The Petitioner to serve amended copy of the Petition on Applicant and other Respondents thereafter immediately.
- (D) re-verification is dispensed with.
- (E) Chamber Summons is disposed off.”

(B.P. COLABAWALLA, J)

(K.K. TATED, J.)