

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1789 OF 2016
IN
NOTICE OF MOTION NO.1591 OF 2015
IN
SUIT NO.1927 OF 1984

Manish Commercial Premises Co Operative Society Ltd	...Applicant
<i>In the matter between</i>	
Manish Commercial Premises Co Operative Society Ltd	...Plaintiff
<i>Versus</i>	
Manish Estates Private Ltd	...Defendant
<i>And</i>	
Municipal Corporation of Greater Mumbai	...Respondent

Mr Vatsal Shah, i/b YR Shah, for the Applicant.

Mr Dinyar Madon, Senior Advocate, with Sunil Tilokchandani, Ms Subhasree Chatterjee i/b M/s. Manilal Kher Ambalal & Company, for the Respondent in Notice of Motion No.1591 of 2015.

Mr Lalit Katariya, with Ms B Lobo, i/b Katariya & Associates, for Defendant.

CORAM: G.S. PATEL, J
DATED: 15th February 2018

PC:-

1. The Applicant is the original Plaintiff. It seems that consent terms were entered into on 17th December 1984 between the Plaintiff Society and the Developer, at that time the sole Defendant. In 2015, the Society filed Notice of Motion No.1591 of 2015 to set aside those consent terms. The 2nd and 3rd Defendants, Grasim Industries Limited and Hindalco Industries Limited, sought impleadment and this was allowed.

2. Now, for reasons that are not at all persuasive, the Plaintiffs seek to join the Municipal Corporation of Greater Mumbai saying that it is the planning authority and the owner of the lands in question. This has nothing whatever to do with the merits of the Motion which is to set aside the consent decree. If that consent decree is set aside and the suit revives, and should it then be found that the MCGM is a necessary and proper party, the Plaintiff may then, but not before, apply to implead the MCGM.

3. The Chamber Summons is dismissed. No costs.

4. List Notice of Motion No.1591 of 2015 for hearing and final disposal on 12th March 2018.

(G. S. PATEL, J)