

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.337 OF 2019

Nitin Dinanath Shirkar .. Petitioner
Versus
Mumbai International Airport
Pvt. Limited and Ors. .. Respondents

Mr. Dhruvad S. Patil for petitioner
Mr. Prasad Khakephalkar, Senior Advocate with Mr. Nikhil Apte I/b.
Wadia Ghandy & Co. for respondent No.1
Mr. Tejas Shinde for respondent No.2.

CORAM : MRS. ANUJA PRABHUDESSAI, J.

DATE : 1st February 2019.

P.C.

The petitioner herein has challenged the impugned order dated 17th December 2019, whereby the Eviction Officer has dismissed the application filed by the petitioner to implead Tarun Bharat CHS as party to the eviction proceedings.

2] The dispute is in respect of a structure located in C.T.S.No.168, village Chakala, Andheri, Mumbai. The petitioner is sought to be evicted from the said premises/ structure which

according to respondent No.1 is part of the acquired land being C.T.S.No.168, whereas the petitioner contends that this structure is on C.T.S.No. 241 and that he is lessee of Tarun Bharat CHS.

3] The dispute is only as regards the location of the structure/ premises. The presence of the Tarun Bharat CHS is not required to decide the issue. Hence, Tarun Bharat CHS is neither a proper party nor a necessary party, at least at this stage, to decide the controversy between the parties.

4] The petition has no merits and is accordingly dismissed.

(MRS. ANUJA PRABHUDESSAI, J.)