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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3405 OF 2019**

Revills Co-operative Housing Society
Limited

..... Petitioner.

V/s

Raju Ramesh Grover & Anr.

..... Respondents.

Mr. P.D. Dani, Senior Counsel a/w Mr. Nausher Kohli, Ms. Sheetal Shah I/b M/s Mehta & Girdharlal for the Petitioner.

Ms. Priti Tare I/b Ms. Rita Bhatia for Respondent No.1.

Mr. P.P. Pujari, AGP for Respondent No.2.

CORAM: NITIN W. SAMBRE, J.

DATE: 24th June, 2019

P.C.:-

1] In a dispute before the Co-operative Court filed by the members of Petitioner-Society as regards the violation of privacy rights, prayer for amendment of the Complaint/Dispute came to be allowed in spite of objections raised by the Petitioner-Society. Feeling aggrieved, an appeal was carried before the Co-operative Appellate Court, which

also came to be dismissed by the order impugned. As such, this Petition.

2] Heard Shri Dani, learned Senior Counsel for the Petitioner. He submits that apart from issue as to whether the Co-operative Court has jurisdiction to try the issues which are sought to be raised by way of amendment, whether such amendment which changes nature of the main proceedings is entertainable should have been considered and answered by both the Courts below. According to him, non-consideration of this submission would amount to denial of fair opportunity of hearing and that being so, Petition needs to be allowed.

3] Learned Counsel for Respondent No.1 supports the order and sought dismissal of the Petition.

4] Apart from the fact that the Petition is preferred against interlocutory order, it will be always open for the Petitioner to deal with the pleading permitted by amendment, which is granted by the Co-operative Court, at the time of hearing of the dispute. Keeping

the said issue open, I do not see any reason to interfere with the order impugned in supervisory jurisdiction under Article 227 of the Constitution of India. As such, Petition is dismissed.

(NITIN W. SAMBRE, J.)