

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1937 OF 2019
IN
WRIT PETITION NO.10624 OF 2017**

Mr.Mulchand Rangnani and ors. ... Applicants

In the matter between:-

Thakur Parwani Chairman of
Shangrila Vaibhav CHS Ltd. ... Petitioner

V/s.

Deputy Registrar,
Cooperative Societies, H/West Ward,
Dadar (West) and anr. ... Respondents

Mr.Vedchetan Patil i/by Mr.Ashraf Sadiq Patel, Advocate
for the Applicants.

Mr.M.M.Vashi with Ms.Aparna Darekar i/by M/S M.P.Vashi
Associates, Advocate for the Petitioner.

Mr.N.C.Walimbe, AGP for Respondent No.1-State.

CORAM : UJJAL BHUYAN, J.

DATE : DECEMBER 09, 2019.

P.C.:-

1. Heard Mr.Vedchetan Patil, learned counsel instructed
by Mr.Ashraf Sadiq Patel, learned counsel for the
applicants; and Mr.M.M.Vashi, learned counsel for the
original petitioner; also heard Mr.N.C.Walimbe, learned
AGP for original respondent No.1.

2. This application has been filed by the applicants seeking impleadment as respondents in the related writ petition being Writ Petition No.10624 of 2017 filed by the original petitioner.

3. In the related writ petition original petitioner i.e. Thakur Parwani, Chairman of Shangrila Vaibhav Co-operative Housing Society (cooperative society) has assailed legality and validity of order dated 10th August, 2017 passed by the Divisional Joint Registrar of Co-operative Societies, Mumbai Division dismissing the revision application of the original petitioner. In the revision application original petitioner had assailed the order dated 29th January, 2016 of the Deputy Registrar, whereby he was removed from the Managing Committee of the co-operative society and an Authorized Officer was appointed.

4. Learned counsel for the applicants submits that after a long drawn litigation applicants were entered in

the share certificates register of the co-operative society, which is however challenged by the original petitioner in a separate proceeding, where he has obtained a stay. However, he submits that it was at the instance of the applicants that proceedings were initiated against the original petitioner culminating in his removal and appointment of Authorized Officer. Therefore, applicants are necessary parties to the writ proceedings and should be added as respondents in the writ petition.

5. On the other hand, Mr.M.M.Vashi, learned counsel for the original petitioner submits that for adjudicating the challenge made in the related writ petition presence of the applicants are not necessary. Impugned order can very well be defended by the learned Assistant Government Pleader. He has placed reliance on a decision of the Supreme Court in the case of **Ramesh Hirachand Kundanmal Vs. Municipal Corporation of Greater Bombay** reported in **(1992)2 SCC 524** to contend that applicants may have an interest in the question involved in the related writ petition, but that by

itself will not make the applicants necessary party to the *lis* instituted by the original petitioner.

6. Learned counsel for the applicants in reply submits that the decision relied upon by learned counsel for the original petitioner is based on Order 1 Rule 10 of the Civil Procedure Code, which may not be applicable considering the width of jurisdiction of the writ court under Articles 226 or 227 of the Constitution of India. In a proceeding of this nature, the writ court has the jurisdiction not only to implead parties but also to hear such persons which may aid the court to come to a correct conclusion.

7. Submission made have been considered.

8. After hearing learned counsel for the parties and on due consideration, since removal of the original petitioner from the Managing Committee of the co-operative society and appointment of the Authorized Officer was pursuant to complaint lodged by the

applicants, without entering into the question as to whether applicants are necessary parties or not, court is of the view that presence of the applicants in the related writ proceeding would aid the court in proper adjudication of the writ proceeding.

9. In such circumstances, court is inclined to allow the civil application. Consequently, let the applicants be added as respondent Nos.3 to 12 in the related writ petition.

10. Amendments be carried out within two weeks.

11. Civil Application is disposed of.

(UJJAL BHUYAN, J.)

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