

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 23 OF 2019
WITH
WRIT PETITION (L) NO. 4118 OF 2018

Abdul Salam Fitwalla

**..... Applicant/
Intervenor**

IN THE MATTER BETWEEN

Abdul Razzak A.K.Fitwalla & Ors.

..... Petitioners

VERSUS

M/s.ISA Enterprises & Ors.

..... Respondents

Mr.Ajit Hodage for the Applicant.

Mr.Surel Shah, i/b. Ashoka Law Firm for the Petitioners.

Mr.Ramesh Dube-Patil for the Respondent no.1.

Mr.Manish Upadhye, A.G.P. for the State – Respondent no.3.

Mr.Anand Pande, i/b. Mr.Ashok Pande for the Respondent nos. 4 to 6.

CORAM : R.D. DHANUKA, J.

DATE : 3rd JUNE, 2019

P.C.

By this chamber summons, the applicant seeks intervention in Writ Petition (L) No.4118 of 2018. Learned counsel appearing for the applicant invited my attention to the order dated 3rd April,2018 passed by Shri S.C.Gupte, J. in Review Petition (L) No. 20 of 2018 alongwith various petitions and would submit that by the said order, this court had permitted the applicant to participate before the Principal Secretary in the pending Appeal No.3 of 2018.

Chamber summons is opposed by the original petitioners on the ground that by the said order dated 3rd April, 2018 passed by this court, the applicant herein was not permitted to appear before the Principal Secretary. He submits that the applicant in Chamber Summons No. 135 of 2018 was permitted to appear before the Principal Secretary whereas the chamber summons filed by the applicant herein was numbered as 203 of 2016.

2. Chamber summons is opposed on various other grounds viz. the applicant is not concerned with the subject matter of this petition and thus neither necessary nor proper party. The applicant also did not appear before the Principal Secretary since no such opportunity was granted by this court by the said order dated 3rd April, 2018.

3. Learned counsel appearing for the applicant could not point out from the order passed by this court on 3rd April, 2018 that his client was permitted to appear before the Principal Secretary by this court by an order dated 3rd April, 2018. Even otherwise the rights claimed by the applicant are different and thus the applicant is neither necessary nor proper party to the writ petition. The applicant has already filed independent proceedings before the different courts which are pending. There is no merit in the chamber summons and the same is accordingly dismissed. Interim order passed in the writ petition to continue till next date. Place the writ petition on board for admission on **17th June, 2019**. *Ad-interim* order to continue till next date.

[R.D.DHANUKA, J.]