

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

WRIT PETITION NO. 2085 OF 2017

Dilip J. Choudhary	Petitioner
v/s.	
Municipal Corporation of Greater Mumbai and ors.	 Respondents

Mr. Dipesh Siraya for the Petitioner.
Ms. Sutapa Saha for Respondent Nos.3 to 8.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th MARCH, 2021.

P. C. :-

. The Petitioner herein has challenged the order dated 16/11/2016 whereby the learned Judge, City Civil Court, Mumbai has dismissed the Chamber Summons No.1010 of 2016 filed by the Applicant for impleading him as a party to the Suit.

2. The Respondent Nos.3 to 8 herein are the plaintiffs in the suit which was filed challenging the notice under Section 351 of the MMC Act. The contention of the Petitioner is that the said notice was issued in view of the complaint lodged by him. As it has been held by the Apex Court in the case of *Mohamed Hussain Gulam Ali Shariffi v/s.*

Municipal Corporation of Greater Bombay and ors. 2017 (6) ALL MR 420, the controversy is between the plaintiffs and the Corporation. The Petitioner herein is neither a necessary nor proper party. The plaintiffs being the *dominus litis*, cannot be compelled to implead any person, as a party to the suit when such person is neither a necessary nor proper party.

3. Under the circumstances, the learned Judge was perfectly justified in dismissing the suit. The Petition has no merits and is accordingly dismissed.

Preeti H.
Jayani

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Preeti H. Jayani
Date: 2021.03.18
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(SMT. ANUJA PRABHUDESSAI, J.)