

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

**INTERIM APPLICATION NO.1954 OF 2023
IN
SECOND APPEAL NO.810 OF 2022
WITH
SECOND APPEAL NO.810 OF 2022**

Ronnie P Mendonca and Ors. ...Applicant

In the matter between

Peter Almeida and Anr. ...Appellants

Versus

Samudra Darshan CHS LTD and
Ors. ...Respondents

....

Mr. Prerak Choudhary for the Applicant in IA/1954/2023.

Mr. Yohaam Shah with Mr. Hasan Mushabber i/b. M/s. Negandhi Shah
and Himayatullah for the Appellant.

Mr. Arun Panicker for Respondent No.1.

Mr. Nilesh Gala with Mr. Manish Gala and Ms Bhoomika Karia i/b. M/s.
Law Square for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th NOVEMBER, 2023.

P.C.:-

INTERIM APPLICATION NO.1954 OF 2023:-

1. The Applicant seeks intervention in the Second Appeal No.810 of 2022. The Applicant is not the Complainant. He was not a party before the Appellate Court. The only ground on which the

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Applicant seeks intervention is that MahaRERA (Maharashtra Real Estate Regulatory Authority) has dismissed his complaint and the other complaints in view of pendency of the second appeal, with which the Applicant has no concern. The presence of the Applicant is not necessary to decide the Second Appeal. The remedy available for the Applicant is either to challenge the order of the Appellate Authority or to seek recall of the said order as the authority cannot dismiss the proceedings in limine, solely on the ground that a similar issue is pending before the higher court.

2. The interim application stands disposed of.

SECOND APPEAL NO.810 OF 2022:-

3. Stand over to 04/12/2023.

(SMT. ANUJA PRABHUDESSAI, J.)