

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

Interim Application No.7708 of 2023

In

Writ Petition No. 5413 of 2023

Siddhi Samriddhi Co-op. Hsg.

Society Ltd.

... Applicant

v/s.

Sanjay Kamlakar Takle & anr.

... Respondents/
Petitioners

Mr Sandeep Mishra for the applicant-intervenor.

**CORAM : SUNIL B.SHUKRE &
R.N. LADDHA, JJ.**

9 June 2023

P.C.

Heard learned counsel for the Intervenor.

2. The applicant submits that the Society has already filed a civil suit which is pending before Thane Civil Court whereby the notices sought to be enforced in this petition have been challenged by the Society and that is why the Society is a necessary party to this petition.

3. According to learned Counsel for the petitioner, this Society is not the necessary party as no relief is claimed against the Society nor any averments have been made in a manner as to affect the interest of

the Society. He further submits that the so called Society could not be a necessary party here. He submits that if it has grievance in respect of the notices sought to be enforced through this petition, the Society is at liberty to take out the separate cause for redressal of that grievance. He also points out that notices in question are issued to the Developer i.e. respondent No.4 who is already made a party here and, therefore, the Intervenor cannot be said to be a necessary party to this petition.

4. On going through the averments in the petition and considering the notices in question, we find that there is substance in the argument of the learned counsel for the petitioners and no merit in the submissions of learned counsel for the Intervenor.

5. The notices in question have been issued not to any Society but to the Developer who is already made a party-respondent to this petition. No relief has been claimed against any Society. There are no averments or pleadings made against any Society. Therefore, if any Society has a grievance against somebody trying to enforce the notices in question, the Society would have to take out a separate cause and it cannot be permitted to intervene in this matter.

6. For the aforesaid reasons, the application stands rejected.

(R.N. LADDHA, J)

Lata Panjwani, P.S.

(SUNIL B.SHUKRE, J)