

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

**Interim Application No.6868 of 2024
In
Civil Revision Application No.540 of 2022**

Chandrakant Vadilal Shah ... Intervenor

In the matter of

Smt. Leena Nitin Parekh ... Applicant

v/s.
The Government of Republic of Mauritius ... Respondent

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Mr Karl Tamboly a/w. Aalam Parsurampururia a/w Aadil
Parsurampururia i/b. Prashant Parsurampururia, Advocate for the
applicant.

Mr Harish Pawar a/w. Mr Vidyadhar Shinde i/b. Singhania Legal
Services, advocate for respondent.

Mr Sagar A Shahani for intending Intervenor.

Mr Chandrakant Vadilal Shah, applicant in person in IA 6868/24.

CORAM : SANDEEP V. MARNE, J.

DATE : 18th March 2024

P.C. :

This interim application is filed by Mr.Chandrakant Vadilal
Shah seeking intervention in the civil revision application.

2. The Intervenor claims that he has purchased the suit premises

by way of agreement dated 17th August 1998. He is seeking to intervene in the revision application on the ground that in the event of this Court allowing the revision application, possession of flat must be handed over to him, as he is the owner of the flat. In this regard he places reliance on letter dated 14th August 1998 written to Mr Keswar Dooraree.

3. The intervenor has also placed on record letter dated 17th August 1998 by Nitin M. Parekh and Leena N. Parekh by which the respondent was given intimation about the alleged purchase transaction of flat by Intervenor with a further understanding between the parties, under which the Intervenor had undertaken to refund the interest free deposit of Rs.1,25,10,000/-. According to the Intervenor, he immediately offered to refund the interest free security deposit to respondent, which was not accepted by it.

4. The Intervenor apprehends that any order passed in the present revision application would adversely affect his rights.

5. It appears that similar attempts were made in the past by the Intervenor before Small Causes Court as well as before its Appellate Bench. The Small Causes Court rejected Intervenor's Application for intervention by order dated 8th April 2014. The Intervenor filed Revision Application No.190/2014 before Appellate Bench challenging the decision of the Small Causes Court dated 8th April 2014. The Revision came to be dismissed by the Appellate Bench by

order dated 19th July 2016. This is how the Intervenor was held not entitled to intervene in the suit filed by revision applicant against respondent.

6. When the dispute between the revision applicant and respondent reached the Appellate Bench, the Intervenor made one more unsuccessful attempt to intervene before the Appellate Bench by filing an application for intervention at Exhibit 20. The application came to be rejected by Appellate Bench by order dated 5th February 2022. All the 3 orders referred above have attained finality on account of which, the Intervenor was not heard by the Small Causes Court or by its Appellate Bench.

7. In my view, therefore, the Intervenor cannot be permitted to intervene in the present civil revision application as well. If Intervenor has any rights in respect of the said flat, he will have to independently agitate his grievance qua the revision applicant. It appears that Intervenor has already filed a suit for specific performance of agreement for sale executed in his favour. In the event of revision applicant succeeding in the present revision application and securing a decree for possession, it would be open for the Intervenor to adopt appropriate steps in his own proceedings for securing possession of the suit premises. As of now, presence of Intervenor in the present revision application is not necessary. Interim Application No.6868/2024 is accordingly rejected.

8. It is clarified that this Court has not examined the merits of the claim of the Intervenor.

9. List the Civil Revision Application for admission on **17th April 2024** at 2.30 p.m.

SANDEEP V. MARNE, J.

Lata Panjwani, P.S.