

SA Pathan

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

**INTERIM APPLICATION NO.138 OF 2022
IN
WRIT PETITION NO.359 OF 2022**

Kamlesh Vaswani

In the matter between

Belair Co-operative Housing Society Ltd. ... Petitioner

V/s.

The Divisional Joint Registrar
Cooperative Societies, Mumbai Division
& Ors

... Respondents

Mr. Arshil Shah a/w Ms. Pratiksha Koshe, for Petitioner.

Mr. Sanjay D. Rayrikar, AGP for State/Respondent
Nos.1 & 2.

Mr. Surel S. Shah a/w Mr. Parimal Shroff & D. V.
Deokar & D. Parikh i/by Parimal K. Shroff & Co., for
Respondent No.3 & for Applicant in IA.

Mr. Rubin Vakil a/w Mr. Chinmay Mehta i/by R.V.J.
Accociates, for Applicant in IA.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 10, 2024

P.C.:

1. The applicant claims to the member of property in dispute. According to him, he never transferred title in favour of Mrs. Chand Narain Bhojwani. Therefore, according to him, he is necessary party to the present writ petition.

2. The parameters for treating the person as necessary party is well settled. The party can be termed as necessary party without whose presence, there cannot be effective order or decree in the proceedings. In the facts of the case, the scope of the writ petition is to scrutinize validity of order passed by the authorities below. The validity of the order can be ascertained without joining the applicant as a party to the writ petition. Hence, the applicant cannot be termed as necessary party. Therefore, the interim application is rejected.

(AMIT BORKAR, J.)