

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO.14442 OF 2023****IN****SECOND APPEAL NO.812 OF 2022****WITH****SECOND APPEAL NO.810 OF 2022****WITH****SECOND APPEAL NO.813 OF 2022****WITH****SECOND APPEAL NO.812 OF 2022**

Peter Almeida And Anr.

....Petitioner

Versus

Samudra Darshan Chs Ltd. And Ors.

....Respondent

....

Mr. Hasan Mushabber, i/b. Negandhi Shah & Himayatullah for Applicant.**Mr. Arun Panicker**, for Respondent No.1.**Mr. Manish Gala**, a/w. Mr. Nilesh Gala, Mr. Minil Shah i/b. Law Square for Respondent No.2.**Mr. Yash Dinde** a/w. Ms. Shalini Dey, for Applicant in IA/14442/23.

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CORAM : SANDEEP V. MARNE, J.**DATED : 12 JANUARY 2024.****P.C. :**

This Application is filed seeking intervention / impleadment by Seema Ravi Thakur and Suresh Ravi Thakur who claim to be purchaser of flat in the building concerning Second Appeal. When a similar intervention

application was filed by another flat purchaser, this Court has passed an Order on 04 November 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 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. Interim application stands disposed of.

2. For the reasons as recorded in Order dated 04 November 2023, Interim Application is disposed of leaving open all the remedies for the Applicants as are available under the law.

Second Appeal No.810 of 2022 :-

3. By consent list the Appeal on 21 February 2024.

SANDEEP V. MARNE, J.

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