

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5473 OF 2024

Yogendra Mohan Belwalkar

.. Petitioner

Versus

Shyamsunder Varshney and Anr.

.. Respondents

-
• Mr. Sanjeev R. Singh, Advocate for Petitioner.

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 18, 2024

P.C.:

1. Mentioned. Not on Board. Taken on Board.
2. Heard Mr. Singh, learned Advocate for Petitioner.
3. Perused the praecipe dated 18.06.2024 and the Writ Petition.
4. By virtue of the impugned order dated 24.11.2023 below Chamber Summons No.672 of 2022, impleadment of the landlord as necessary and property party in the suit filed to challenge notice issued by Municipal Corporation of Greater Mumbai under Section 351 of MMC Act, 1888 came to be rejected.
5. The impugned order *prima facie* is clearly unsustainable in view of the instant order passed in the case of **Ashok Babulal Avasthi V/s. Munna Nazimuddin Khan**¹ by the Division Bench on 29.11.2023 and upheld by Supreme Court by its order dated 12.02.2024.

¹ WRIT PETITION NO.6933 OF 2022

6. An arguable case has been made out by Mr. Singh for issuance of notice to Respondents.

7. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve the Respondents a copy of this order and copy of the Writ Petition and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Writ Petition on or before the next date.

8. Respondents - Plaintiffs are directed to remain present on the next adjourned date and raise objection if they so desire. It is clarified that this Writ Petition shall be disposed on next adjourned date. If Plaintiffs remain absent, this Court shall not await the presence of the Plaintiffs and pass appropriate orders in the Writ Petition.

9. Stand over to **25th June, 2024 at 02:30 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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