

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12675 OF 2024

Raheja Odyssey Co-operative Housing
Society Ltd.

...Petitioners

V/s.

Raheja Eternity Co-operative Housing
Society Ltd., and Anr.

...Respondents

Ms.Sukeshi Bhandari a/w Mr.Akshay Chauhan:-	Advocate for Petitioners.
Mr.Archis Bhatt i/b. Mr.Ravindra Suryawanshi:-	Advocate for Respondent No.1.
Mr.Bharat R. Zaveri:-	Advocate for Respondent No.2.

CORAM : S. M. MODAK, J.

DATE : 18th NOVEMBER 2024

P. C. :-

1. Mentioned out of turn.
2. In this Petition, the order refusing impleadment is challenged by intervenor. The Court of City Civil as per the order dated 20th January 2024 has dismissed the Chamber Summons. The Respondent No.1 is the Plaintiff. Before the trial court he has opposed impleadment. This

opposition is recorded in Para No.4 of the impugned order. The objection was “there was no cause of action for the Intervenor against the Defendant but they can file separate Suit”. On the basis of instructions, he has submitted that now, they are going to join the Petitioner as a party Defendant by way of carrying out the amendment in the Plaint. On the basis of these instructions, the petition does not survive now.

3. Now, the Suit is fixed before the City Civil Court on 16th December 2024. He undertakes to file that Application earlier to that. In view of that, **the Petition is disposed of**.

4. The trial Court to decide the Application, if filed, without being influenced by the earlier observations. The Plaintiff being *dominus litis*, they are justified in filing an Application thereby impleading the party.

[S. M. MODAK, J.]