

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15378 OF 2024

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by SATISH
RAMCHANDRA
SANGAR
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Dattatraya Ramchandra Chavan

Age : 72 Years, Occupation : Business,
Senior Citizen, Having address at:-
Flat No.101, 1st Floor, Parle Neel
Gangan Co-operative Housing Society
Limited standing on Plot bearing No.
232 of TPS Scheme No.5, Village Vile
Parle, CTS No.1635 of Feroz Shah Mehta
Road, Vile Parle (East), Mumbai : 400057.

...Petitioner

Versus

1. **G. Jaykumar**

Age : Adult, Occupation : Business,
Both residing at : Flat No.3 and 4,
Ground Floor, Parle Neel Gangan
Co-operative Housing Society Limited
standing on Plot bearing No.232 of TPS
Scheme No.5, Village Vile Parle, CTS No.
1635 of Feroz Shah Mehta Road, Vile
Parle (East), Mumbai : 400 057.

2. **Municipal Corporation for Greater**

Mumbai : A statutory Body having its
Office at Mahanagarpalika Marg,
Opp. CTS, Fort, Mumbai : 400 001.

...Respondents

Mr.S.N.Chandrachud i/b. Mr.Hemant P. Ghadigaonkar a/w Mr.Hitendra Gandhi:-	Advocates for Petitioner.
Mr.Kunal Bhanage i/b. Mr.Akshay Pawar:-	Advocate for Respondent No.1.

CORAM : S. M. MODAK, J.

DATE : 18th NOVEMBER 2024

P. C. :-

1. For the reasons recorded separately, which are under typing, following order is passed:-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 30th July 2024 passed by the Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai on Chamber Summons No.448 of 2020 is set aside.
- (iii) The Chamber Summons is allowed in terms of prayer clause (a).
- (iv) The Respondent No.1-Plaintiff is directed to join the Petitioner as Defendant No.2 by carrying out necessary amendment within six (6) weeks from today. The Petitioner-Respondent No.2 is permitted to file Written Statement once the amendment is carried out.
- (v) The Respondent No.1 is directed to inform the Petitioner about carrying out the amendment and no fresh summons will be issued.
- (vi) Even, the Respondent No.1, if he desires, is at liberty to carry out an amendment in the Plaint in view of this development. If, he wants, he can exercise this liberty within eight (8) weeks from today.
- (vii) If, Chamber Summons is moved, trial Court to allow it

only on verifying that amendment pertains only to the fact of allowing impleadment of the Petitioner.

2. In view of the above, **Writ Petition stands disposed of.**

[S. M. MODAK, J.]