IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2302 OF 2024
IN
WRIT PETITION (L) NO. 5347 OF 2022

D. N.Nagar Sai Krupa Co-op.Housing Society Limited .. Applicants/ (Orig. Petitioner No.1)

SMITA RAJNIKANT JOSHI
Digitally signed by SMITA RAJNIKANT JOSHI
Date: 2024.08.07 15:05:12 +0530

In the matter between

D. N.Nagar Sai Krupa Co-operative Housing Society Ltd., & Another ..Petitioners

Versus

Union of India through the Secretary, Ministry of Civil Aviation & Others .. Respondents

Adv. Mr. Pravin Samdani, Sr. Advocate with Nivit Srivastava & Snehal Patil i/b. Mania Srivastava Associates, for the Applicants/Petitioners.

Adv. Mr. Y. R. Mishra with Mr. Upendra Lokegaonkar & Shailendra Mishra, for Respondent No.1.

Adv. Mr. Ajay G. Khaire, for Respondent Nos. 2 to 4.

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: AUGUST 7, 2024

P. C.

1. The above Interim Application has been filed seeking to amend the above Writ Petition, *inter alia*, seeking to delete Petitioner No.2 from the

cause title of the Petition and consequential amendments. It is the case of Petitioner No.1 that Petitioner No.2 was appointed as a Developer by Petitioner No.1 under an Agreement dated 18th January, 2020. Since there were disputes between the Developer (Petitioner No.2) and Petitioner No.1, this Agreement was terminated on 15th December, 2021. The 1st Petitioner has also initiated proceedings under the Arbitration and Conciliation Act, 1996 against Petitioner No.1, and pursuant to the orders passed in those proceedings, now possession of the property is reverted back to the 1st Petitioner. It is in these circumstances that the 1st Petitioner seeks deletion of Petitioner No.2 from the cause title of the above Writ Petition.

2. Mr. Samdani, the learned Sr. Counsel appearing on behalf of the 1st Petitioner, has tendered an acknowledgment evidencing service of the above Interim Application on Petitioner No.2. He submits that despite this service, none appears on behalf of Petitioner No.2.

3. Having heard Mr. Samdani, we are of the view that because Petitioner No.2 is sought to be deleted from this Petition, and since there are disputes between the 1st Petitioner and the 2nd Petitioner, notice be issued to Petitioner No.2. We say that because the service effected by the 1st Petitioner on the 2nd Petitioner is on the Advocate's for Petitioner No.2, who appears to be continued as an Advocate only for Petitioner No.2. As far as the 1st

Petitioner is concerned, the earlier Advocate cate appearing for the Petitioners has been discharged.

4. Considering these facts, we direct the Advocate for Petitioner No.1 to serve Petitioner No.2 as well as their Advocate with a copy of this Interim Application, along with a copy of this order on or before 9th August, 2024 and file an Affidavit of Service to that effect on the next date.

5. We make it clear that if none appears on behalf of Petitioner No.2 on the next occasion, we shall proceed to hear the above Interim Application in their absence.

6. Stand over to 12th August, 2024.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] **[B. P. COLABAWALLA, J.]**