

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.5347 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.108 OF 2023**

Chandramani Deoraj Dubey & Ors. ... Applicants
In the matter between
Romell Housing LLP & Ors. ... Applicants
V/s.
Sameer Salim Shaikh & Ors. ... Respondents

**AND
INTERIM APPLICATION NO.144 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.108 OF 2023**

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Khurshid Nooruddin Shaikh & Ors. ... Applicants
In the matter between
Romell Housing LLP & Ors. ... Applicants
V/s.
Sameer Salim Shaikh & Ors. ... Respondents

None for the Applicants in both IAs.

Mr. Girish Godbole, Senior Advocate with Mr. Drupad Patil i/by Mr. Dheeraj D. Patil for the applicant in Revision.

Mr. Chaitanya Pendse with Mr. Atharva S. Jagtap for respondent No.1.

Mrs. Rajashree V. Newton, for respondent No.2-State.

Mr. Rohan Sawant i/by Mr. Laxman Jain for respondent Nos.3 and 4.

Mr. N.C. Pawar, Court Receiver, is present.

CORAM : AMIT BORKAR, J.

RESERVED ON : SEPTEMBER 11, 2025

PRONOUNCED ON : SEPTEMBER 16, 2025

P.C.:

1. The present interim applications have been filed by the applicants seeking permission to intervene in the ongoing proceedings. Their case is that they derive rights through Pooja Land & Premises Pvt. Ltd. The applicants rely upon a Memorandum of Understanding dated 2 May 2015 executed between themselves and Romell Real Estate Pvt. Ltd., as well as upon the alleged transfer of shares in the company by the intervener. On this basis, they assert that they have acquired independent rights over the disputed property. However, it is an admitted position that the applicants were not parties to the original proceedings before the learned Magistrate under Section 145 of the Code of Criminal Procedure. They also did not challenge the Magistrate's order by filing any independent revision. The revision application before this Court arises only from the lis between the original parties and is confined to that limited scope.

2. The question that arises is whether at this stage the applicants can be permitted to come on record. In my view, allowing them to intervene would enlarge the scope of the revision application far beyond its permissible boundaries. The revisional jurisdiction is limited; it is confined to examining the correctness, legality, or propriety of the order passed by the Magistrate in

relation to the dispute of possession between the original parties. Any fresh claim by third parties based on independent rights cannot be adjudicated in such revision. The principle is well settled that only those persons who are either necessary or proper parties for deciding the controversy at hand can be permitted to intervene. In the present case, the presence of the applicants is not required for determining the question of possession which arises in the revision. Their addition will neither assist the Court nor be necessary for complete adjudication of the matter. Their alleged rights, if any, are not extinguished by this rejection; they remain free to assert such rights before the competent civil forum in accordance with law.

3. In these circumstances, I hold that the applicants are neither necessary nor proper parties to the present revision application. The scope of this revision cannot be widened to adjudicate collateral claims of third parties. Hence, both the interim applications do not merit acceptance and stands rejected.

(AMIT BORKAR, J.)