

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8545 OF 2025**

Nav- Tushar B. Wing Chs Ltd. Thro. Chairman ... Petitioner
Rahul Ya Shwant Meher

vs.

Santosh Singh Ujagarshigh Vird And Anr. ... Respondents

Mr. Shrinath Badade i/b Vaibhav Kadam for the Petitioner.

Mr. Yakshay Chheda through VC a/w Riddhi Natekar a/w Ashwin
Pimpale i/b SSB Legal & Advisory for Respondent No.1.

CORAM : GAURI GODSE, J.

DATED : 5th AUGUST 2025

ORDER:

1. This petition is filed by the society to challenge the order refusing to add the society as a necessary party in the suit filed by the respondent No.1. The suit is filed to challenge the notice under Section 53 of the Maharashtra Regional Town Planning Act, 1966 ('MRTP Act'). The notice impugned in the suit is issued to the plaintiff. The society therefore would neither be a necessary nor proper party in the suit. It is a well-established legal principle that the plaintiff in a suit being dominus litis may choose the person

against whom, he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief.

2. The application is rejected by the trial Court on the ground that the grievance raised by the society can be raised before the competent forum by availing the due process of law. However, in the present suit, the society is not a necessary party.

3. I do not see any illegality or perversity in the impugned order. There is no reason to interfere with the impugned order in the exercise of the discretionary jurisdiction under Article 227 of the Constitution of India.

4. The Writ Petition is, therefore, dismissed.

(GAURI GODSE, J.)