

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12610 OF 2025****ALONGWITH****INTERIM APPLICATION NO. 1948 OF 2026**

M/s. Shree Mahalakshmi Constructions

..... PETITIONER**: VERSUS :**

Smt. Bina Chowdhury & Ors.

... RESPONDENTS

Mr. Vikramjit Garewal with Mr. Chaitanya Sharma i/b. S. Ashwini Kumar & Co., LLP, for the Petitioner.

CORAM : SANDEEP V. MARNE, J.**DATED : 9 MARCH 2026.****P.C. :**

1) The petition challenges order dated 1 August 2025 passed by the Appellate Bench of the Small Causes Court dismissing the revision and upholding the order dated 11 March 2023 passed by the Trial Court. The application at Exhibit-100 was taken out by the Plaintiff seeking impleadment of the Petitioner as party Defendant to the Suit.

2) I have heard Mr. Garewal, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.

3) It appears that the structure in which suit premises are situated has gone for redevelopment and Petitioner is the developer

appointed by the landlords. Perusal of the plaint would indicate that a specific prayer is incorporated by way of amendment for execution of PAAA in respect of the tenanted premises in the name of the Plaintiff. Therefore, presence of the Petitioner is otherwise necessary in the suit since the relief of execution of PAAA cannot be granted in absence of the Petitioner-Developer. It is yet another matter that Petitioner is a Power of Attorney holder of the landlords and represents the landlords in its capacity as Constituted Attorney from defending the suit. If Petitioner is already before the Court for defending the landlords, I do not see any reason why he should not defend himself in respect of the prayer for execution of PAAA with the Plaintiff. No interference is warranted in the impugned order. The Writ Petition is accordingly **rejected**.

4) With rejection of the petition, nothing survives in the Interim Application. The Interim Application also stands disposed of.

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2026.03.09
15:51:04
+0530

[SANDEEP V. MARNE, J.]