

Shabnoor

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

WRIT PETITION NO.13637 OF 2025

Sharad Harihar Dave ... Petitioner
V/s.
Fam Cooperative Housing Society Ltd.
& Anr. ... Respondents

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**WITH
INTERIM APPLICATION (ST) NO.1653 OF 2026
IN
WRIT PETITION NO.13637 OF 2025**

Irfan Sharif Patel ... Applicant
In the matter between
Sharad Harihar Dave ... Petitioner
V/s.
Fam Cooperative Housing Society Ltd.
& Anr. ... Respondents

Mr. Pradeep J. Thorat i/b Ms. Aditi Naikare, for the
Petitioner.

Mr. Sugandh B. Deshmukh with Irvin D'souza, Bhushan
G. Deshmukh, Aryan Deshmukh, and Aniket Kanawade
i/b Vaibhav Thorve, for the Intervener.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 28, 2026

P.C.:

INTERIM APPLICATION (ST) NO.1653 OF 2026

1. The present writ petition has its roots in proceedings started by the petitioner before the Cooperative Court. The petitioner filed an application seeking two things. First, correction of the award.

Second, amendment of the dispute application. The Cooperative Court considered that application and rejected it. That rejection created a grievance for the petitioner. On that basis, the petitioner has approached this Court under its writ jurisdiction.

2. An intervention application has been filed by a third party. This person claims to be in possession of Flat No. 6 on the Ground Floor. The description of this flat forms part of the correction sought by the petitioner. The intervener contends that any correction in the description may affect his interest in the said flat. He also states that he learnt about the pendency of the present writ proceedings only a short while ago. He therefore seeks leave to intervene so that his possession and interest in the flat are not decided in his absence. This is the explanation placed before the Court for seeking intervention at this stage.

3. The record is clear on one fact. The intervener was never a party at any earlier stage. He did not participate in the original dispute application. He also did not participate in the proceedings for correction of the award or amendment of the dispute application before the Cooperative Court. There was no request made by him before the Cooperative Court despite the matter concerning the flat description. Allowing him to intervene for the first time in the writ proceedings would introduce new issues and complicate the record. The writ jurisdiction cannot become the first forum for a person who chose not to appear before the original forum. Permitting such intervention would also prejudice the parties to the original dispute and would delay adjudication. This Court therefore finds no justification to entertain the

intervention application at this belated stage.

4. For the above reasons, the intervention application stands rejected.

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5. List the writ petition on **2 February 2026** ‘for final disposal.’

(AMIT BORKAR, J.)