

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.1980 OF 2013**

Shri. Paramjit Chhattarsingh Bomrah .... Petitioner

Vs.

Shri. Prabhakar Anandrao Prabhu & Anr..... Respondents

None for the Petitioner.

Mr. K.S. Dawal i/by Mr. Jayesh Joshi for respondent no.1.

Mr. S.D. Rayrikar, AGP for respondent no.2.

Coram : Smt. R.P. SondurBaldota, J.

Date : 30<sup>th</sup> September, 2013.

P.C.

The petition has been placed on board for speaking to minutes of the order dated 19<sup>th</sup> September, 2013 for rectification of typographical errors. The word “by” in the first sentence of the order is to be deleted and “Order 1 Rule 8” is to be replaced by “Order 1, Rule 10” Code of Civil Procedure. The corrections be carried out and the order be read accordingly.

(Smt. R.P. SondurBaldota, J.)

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WRIT PETITION NO.1980 OF 2013**

Shri. Paramjit Chattarsingh Bomrah .... Petitioner

Vs.

Shri. Prabhakar Anandrao Prabhu & Anr..... Respondents

Mr. Makrand Panchakshari, Advocate for the petitioner.

Mr. K.S. Dewal i/by Mr. Jayesh M. Joshi for respondent no.1.

Coram : Smt. R.P SondurBaldota, J.

Date : 19<sup>th</sup> September, 2013.

P.C.

1. This petition challenges the order passed by the trial Court rejecting the application by the petitioner under Order 1, Rule 10 Code of Civil Procedure for impleading himself as party defendant to the suit filed by respondent no.1.

2. Respondent no.1 has been running a hotel from the suit premises. There is a dispute as regards the condition of the premises. According to the Municipal Corporation, the structure is so dilapidated and that it deserves to be demolished. The petitioner is the owner of the structure.

Respondent no.2, the Commissioner of Police has denied the Eating House license to respondent no.1, on the ground of the bad condition of the suit premises. The suit filed by respondent no.1 is to challenge that decision.

3. The petitioner claims that he would be a proper party to the suit, since he will be able to point out the correct facts as regards the condition of the premises. The petitioner is already a party to the suit filed by respondent no.1 challenging the notice issued by the Corporation. The petitioner himself has filed a suit for evicting respondent no.1. But the subject matter of the present suit being issuance of Eating House license by respondent no.2 to respondent no.1, the petitioner can neither be a necessary nor a proper party thereto. The identical view has been taken by the trial Court in the impugned order. The petition is therefore dismissed in limine.

(Smt. R.P. SondurBaldota, J.)

Note : Corrected pursuant to speaking to the minutes on 30<sup>th</sup> September, 2013.