

CNR NO. : MHSCA2-001842-2023

**IN THE COURT OF SMALL CAUSES MUMBAI
ORDER BELOW EXHIBIT 8
IN
MARJI APPLICATION NO.243 OF 2023
IN
R.A.D. SUIT NO.227 OF 2007**

Deshbhushan Co-operative Housing
Society Limited ... Applicant/Orig. defendant
Versus
1) Malav Navinchandra Shah ... Respondent/Orig. plaintiff
And
2) Mr. Suresh B. Patil ... Proposed Respondent
Coram : R. M. Tuwar
Judge, C.R. No.13
Date : 29.06.2024

ORDER :

Read application and say of the applicant. It is contention of the applicant that respondent has filed application dated 01.12.2023 under Order I Rule 10 of CPC to join alleged transferee mentioned in the application in whose favour the respondent has by an Agreement Exhibit A to the said application has transferred the tenancy right in respect of alleged tenant. On pursuing the consent terms and transfer of tenancy agreement, it reveals that consent terms signed on behalf of society by one Srinivas Nayak who had already resigned on 30.12.2004. The transfer of tenancy agreement signed by L. B. Mhatre has power of Attorney of the respondent. Therefore, he is claiming to add Suresh B. Patil who was chairman of the committee but resigned on 30.12.2004.

2. Respondent filed reply below Exhibit 9 and opposed the application on the various grounds.

3. Heard both sides at length and after gone through the arguments, it appears that Suresh B. Patil was chairman of the Housing Society. Therefore, if the application is allowed and the person added as necessary and proper party, no any prejudice will be caused to the respondents. Hence, I pass following order.

:: ORDER ::

1. Application below Exhibit 8 is allowed.
2. Applicant to carry out necessary amendment in the title clause of the Marji application and add proposed respondent as prayed in this application on or before next date.

Mumbai
Date : 29.06.2024

(R. M. Tuwar)
Judge, C.R. No.13