

ITEM NO.14

COURT NO.14

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL).....Diary No. 40404/2026

[Arising out of impugned final judgment and order dated 17-04-2026 in WPL No. 12465/2026 passed by the High Court of Judicature at Bombay]

VILLOO SHEAMAK ACIDWALHA

Petitioner(s)

VERSUS

MAHENDRA BUILDERS & ORS.

Respondent(s)

[IA No. 220876/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 220870/2026 - EXEMPTION FROM FILING O.T.

IA No. 220883/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)]

Date : 14-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.V.N. BHATTI

HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :Mrs. Meenakshi Arora, Sr. Adv.

Mr. Ramakant Gaur, Adv.

Mr. Ajay Choudhary, AOR

Ms. Sneha Arya, Adv.

Ms. Nanakey Kalra, Adv.

Ms. Roopini Nandam, Adv.

Ms. Sobia Manzoor, Adv.

Mr. Kartik Jain, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Permission to file Special Leave Petition is granted.
2. We have heard Ms. Meenakshi Arora, learned senior counsel and perused the record.
3. The Special Leave Petition is directed against the impugned order dated 17.04.2026 passed by the High Court in Writ Petition (Lodging) No. 12465 of 2026.

4. The foremost objection canvassed by the learned senior counsel is that the impugned judgment has committed an irregularity by deciding whether the petitioner is a proper and necessary party to the challenge in Writ Petition (Lodging) No. 12465 of 2026. The need for the presence of a party is determined on case to case basis, and the oral prayer is not acceptable to the High Court. The interest of the petitioner ought not to have been adversely affected.

5. We have perused the observation made in Para '2' of the impugned judgment, and we are of the view that shutting out the petitioner with this observation will have an effect in future or any litigation regarding the subject matter of the litigation.

6. Therefore, to the limited extent of considering the correctness of the view taken in Paragraph No. '2', we dispose of the Special Leave Petition as follows:-

The observations in Paragraph No. '2' of the impugned judgment will not come in the way of the petitioner in filing an appropriate application for getting impleaded as one of the respondents in respect of the present *lis/subject matter* before the authority or in the subsequent litigation before the High Court, and it will be examined on its own merits.

7. The Special Leave Petition stands disposed of with the above observation.

8. Pending application(s), if any, shall stand disposed of.

(LOKESH ARORA)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)