

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

WRIT PETITION NO.1182 OF 2014

Rohit Rajpal

.. Petitioner

Versus

Gangabai Devsi Khona

(Deceased through her legal heirs)

.. Respondents

Shri. Vishal Kanade i/by Dave & Co., for the Petitioner.

Shri. Dharmendra M. Joshi, for the Respondent Nos.1(d) to 1(f).

CORAM : R.M. SAVANT, J.

DATE : 11th DECEMBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 27.11.2013 passed by the Learned Judge of the Small Causes Court, Mumbai, rejecting the application filed by the Petitioner herein for impleadment in the suit in question. The suit in question has been filed by the original Respondent No.1 i.e. the Plaintiff for eviction of the Respondent Nos.2 and 3 who are the tenants. The Petitioner claims to have purchased the reversionary rights of the original Plaintiff. Pursuant to which the Petitioner has sought his impleadment. The Trial Court has rejected the said application on the ground that the Applicant is not claiming any right through the Respondent Nos.1 and 2 and is

independently asserting his rights on the basis of the purchase of the reversionary rights of the Plaintiff No.1. It appears that the Defendant Nos.1 and 2 who are the lessees of the property in question are the father and grandmother of the Applicant. The Trial Court has therefore observed that the Applicant can bring on record through his father and grandmother who are the parties to the suit, the material he relies upon. The Trial Court has further observed that the application seems to have been filed in collusion with the Defendant Nos.1 and 2. In my view, since admittedly the Applicant is not having any jural relationship with the tenants, no case for interference with the order rejecting the application for impleadment is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]