

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4886 OF 2014

Shree Ravishankar Gangubhai Charitable]
Trust and Anr.] ... Petitioners

Versus

Mr. Baijnath Ramdev Jaiswar and Ors.] ... Respondents

None for Petitioners.

Mr. H. P. Pandey for Respondent No.1.

CORAM :- M. S. SONAK, J.

DATE :- MARCH 31, 2015

P. C. :-

1. None for the Petitioners.
2. Mr. H. P. Pandey appears for Respondent No.1.
3. Challenge in this petition is to the Order dated 02/05/2014, by which the Chamber Summons taken out by the Respondent No.1 seeking his impleadment in the suit has been made absolute.
4. Having perused the impugned order and the record, there is no reason to interfere with the impugned order. The impugned

order, records that *prima-facie*, the Respondent No.1 is the 'Imla Malak' in respect of the suit structure to which the suit relates. The impugned order also records that the issue of claim of ownership is not being decided at the present stage and that if necessary, the same shall be decided after adjudication. The impugned order has, however, recorded that the presence of the Respondent No.1 will help in effective adjudication of the issues which arise in the suit.

5. The circumstance that the presence of a party will assist in the effective adjudication of the dispute which have arisen in the suit, is a relevant circumstance for exercising power under Order 1 Rule 10 of the CPC. Accordingly, it cannot be said that the impugned order is vitiated by any jurisdictional error or perversity of approach.

6. Accordingly, there is no reason to interfere with the impugned order. Present petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)