

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

WRIT PETITION NO.6674 OF 2015

Shobhabai Raghunath Sutar and others

.. Petitioners

Versus

Arun Ramchandra Mirkute and others

.. Respondents

Mr. R. S. Datar, for the Petitioners.

Mr. J. M. Puranik, for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 19th OCTOBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 13.04.2015 passed by the Learned Joint Civil Judge Senior Division, Kalyan, by which order the application Exh.28 filed by the Petitioners seeking their impleadment under Order I Rule 10 of the Code of Civil Procedure came to be rejected. The said rejection is on the ground that having regard to the nature of the suit being one for simplicitor injunction, the presence of the Applicants is not necessary. The Applicants claim to be tenants of the property in question along with the Plaintiffs and are parties before the Tenancy Authorities along with the Plaintiffs. In my view, having regard to the relief sought in the suit, the order passed by the Trial Court rejecting the application Exh.28 cannot be faulted with.

The Applicants undoubtedly would be entitled to file their own proceedings if the occasion so arises. It is needless to state that if any such proceedings are filed, the result of the present suit would not affect them. With the aforesaid clarifications, the Writ Petition is disposed of.

[R.M. SAVANT, J]