

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.5797 OF 2015

Abhairaj Chhotai Pasi.] ... Petitioner

Versus

Hiralal Chandu Pasi and Ors.] ... Respondents

Mr. Khan Javed Akhtar for Petitioner.

Mr. Rajesh Dixit for Respondent No.1.

CORAM :- M. S. SONAK, J.

DATE :- JUNE 29, 2015

P. C. :-

1. Not on board. Upon production, taken on board.
2. There is no reason to interfere with the impugned order. The Petitioner had applied for impleadment in a suit which is instituted by the original Respondent No.1 seeking rights of tenancy in respect of the suit premises. Any decree that may be made in such a suit, will obviously not bind the Petitioner. Besides, if the Petitioner claims to have any right in respect of the suit premises, the Petitioner, as observed by the Appeal Court in the impugned order, is always at liberty to institute a fresh suit in order to establish his right.

3. However, it is clarified that the observations made by the trial Court or revisional Court in the impugned order are required to be treated as observations made only in the context of permitting impleadment. Accordingly, such observations shall not influence the Courts in deciding any suit, which the Petitioner may sue to institute for the purposes of establishing his alleged rights to the suit property. With the aforesaid observation, this petition is disposed of.

4. It is to be noted that suit in which the Petitioner seeks impleadment, was instituted in the year 2008 and it is now reported that the evidence therein is due to conclude shortly. At this stage, no purpose would be served by permitting any impleadment.

(M. S. SONAK, J.)