

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 33046 OF 2014**

Sampat Lal Motilal Jain (Gundecha)

..Petitioner

Vs.

Bhimbai Mahadeo Kambekar & Ors.

..Respondents

Mr. S. K. Dubey for the Petitioner

**CORAM : R. M. SAVANT, J.
DATE : 19th JANUARY, 2015**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 11-11-2014 passed by the Learned Judge of the City Civil Court, by which order, the Chamber Summons moved by the Petitioner herein for being impleaded in the Suit in question being Suit No.4018 of 2002, came to be dismissed.

2 The Suit in question bears S.C. Suit No.4018 of 2002, the instant Chamber Summons is moved after a period of 12 years and the ground why the said Chamber Summons is moved at this length of time, is set out in paragraph 15 of the affidavit in support of the said Chamber Summons. The said paragraph 15 of the affidavit in support of the Chamber Summons discloses that the Applicant was aware of the instant Suit i.e. Suit No.4018 of 2002. However, it is his case that since last few months the Plaintiff Kamlakar Kambekar is avoiding to meet the Applicant, in view thereof the Applicant has

become suspicious and on inquiries being made he came to know that the Plaintiff and the Defendant in collusion with Mr. Arvind Shah and other Plaintiff in Suit No.4018 of 2002, are likely to settle the suit and deprive the claim of the Applicant. The application i.e. the Chamber Summons seeking impleadment is founded on the various documents which have been referred to in the affidavit in support. Pertinently, the said documents are relating to measurement, the documents relating to how the original owners acquire title, conveyance deeds dating back to the last century and reference to the land acquisition proceeding. The Trial Court has therefore observed as to how the said documents are material for the Applicant for being impleaded as a party to the Suit, therefore begs an answer.

3 It is required to be noted that the Applicant claims to have purchased 50% undivided share in the suit property from one of the parties to the Suit. However, though the transaction is of the year 2000 the Learned Counsel for the Petitioner states that the document has not been registered and has only been lodged for registration and is pending for the last so many years.

4 In my view, having regard to the well settled position in so far as the principles applicable for consideration of an application under Order I rule 10 of the Civil Procedure Code, the case put up by the Applicant as found in

the affidavit in support can hardly said to justify the case for impleadment of the Applicant in the Suit. Hence the order passed by the Trial Court rejecting the application i.e. the unregistered Chamber Summons cannot be found fault with. No case for interference in the Writ Jurisdiction of this Court is therefore made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]