

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1710 of 2015

(Shri Narhari s/o Gangaram Chimote, through Power of Attorney Shri
Subhash s/o Narhari Chimote v. Shri Ganesh Education Society, Nagpur,
through its President and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Y.V. Nayyar, Advocate for Petitioner.

Coram : R.K. Deshpande, J.

Dated : 7th April, 2015

In Regular Civil Suit No.620 of 2014 filed for declaration that the defendant has no right to occupy and make construction on the suit plot described in the plaint map, and grant of mandatory injunction directing him to remove illegal construction, the petitioner filed an application under Order I, Rule 10 of the Code of Civil Procedure Code for being joined as a party-defendant in the suit.

The petitioner claims that he is the father of the original defendant in the suit and is in possession of the suit property, and thus he is a necessary party to the suit.

The Trial Court has held that the petitioner is neither a necessary party nor a proper party to the suit. In view of this, if the petitioner is in possession of the suit property in his own independent rights, then he can raise an objection in the execution proceedings. There is no need to interfere in the order impugned in this petition.

The petition is dismissed.

Judge.

Lanjewar