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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4226 OF 2016

Smt. Hamida Yunoos Parekh ..Petitioner.

V/s.

Smt. Prabhavatgi Laxman Walvekar and Ors. ..Respondents.

Mr.Vikram Chavan for the petitioner.

Mr.Madhav Jamdar for the respondents.

CORAM : N.M. JAMDAR, J.

DATED : 6TH DECEMBER, 2016

PC. :-

Heard learned counsel for the parties. The petitioner has challenged the order passed by the Small Cause Court Judge, Pune dated 21 October, 2016 rejecting the application taken out by the petitioner for impleadment in the suit instituted by respondent No.1 to 3 against respondent Nos.4 to 6. It is the contention of the petitioner that the petitioner has an independent right in the suit property by virtue of the sale deed. While it is the contention of the learned counsel for the Respondents-Plaintiffs that the Petitioner has no such independent right in the suit property.

2. Respondents-plaintiffs is in the carriage of the procedures and it is for the Plaintiffs whom to join as defendants. If the Petitioner has any independent right *vis-a vis* the plaintiff, it is always open to the Petitioner to pursue such remedy against the Respondent-plaintiffs. In view of the decision of the learned Single Judge of this Court (*R.G.Ketkar, J.*) in the case of *Mr.Pradeep Bhalchandra Keer V/s. Commissioner of Police for Greater Mumbai and Ors. [Writ Petition No.11554 of 2016]* decided on 5th October, 2016, the impleadment of the Petitioner to the suit is not warranted and a separate suit can always be filed by the Petitioner. In these circumstances, no interference is warranted in the impugned order. The writ petition is disposed of accordingly.

(N.M. JAMDAR, J.)