

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO.8961 OF 2016

Ijaj Sharif Mokashi : Petitioner.
versus
Smt. Roshanbi Mahammad Hanif
Mokashi, died and ors. : Respondents.

Mr. Prashant Bhavake for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 28th November 2016

P.C.

1 The order dated 18/11/2015 passed by the learned Member of the
Maharashtra Revenue Tribunal, Pune rejecting the application for impleadment
filed by the Petitioner is taken exception to by way of the above Petition. The
proceedings are relating to the declaration of tenancy filed by the original
tenant i.e. the Respondent No.1 herein. The land in question is of the joint
ownership of the family of the father of the Petitioner. To the said application
amongst others the uncle of the Petitioner as well as the mother of the
Petitioner were party Respondents. However, on the matter travelling to the
Maharashtra Revenue Tribunal, it is only the uncle of the Petitioner who has
been arrayed as a Respondent. The Petitioner therefore filed the instant
application for his impleadment in the said proceedings. The said application
has been rejected on the ground that the Petitioner's mother is very much alive
and that she could have filed an application, she having not filed the
application for her impleadment, the Petitioner cannot do so.

2 In my view, though the impugned order is not required to be interfered with, however, it is made clear that if the Petitioner's mother Smt. Joharabi Mohammad Sharif Mokashi files an application, needless to state that the same would be decided on its own merits and in accordance with law uninfluenced by the impugned order. With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]