

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION***

**WRIT PETITION NO. 7652 OF 2016**

Shubhlabh Co-operative Housing Society Ltd.

... Petitioner

Vs

Mrs. Deepa Alias

Deepali Hemant Sharma & Anr.

... Respondents

...

Mr. S. N. Chandrachud for the Petitioner.

Mr. Kamlesh Mali for the Respondent No. 1.

Mr. Avinash Avhad for the Respondent No.2.

**CORAM : N. M. JAMDAR, J.**

**DATE : 26 OCTOBER, 2016**

**P.C. :**

1. The petitioner has challenged the order passed by the Civil Judge, Senior Division, Pune dated 27<sup>th</sup> April 2016 whereby the application moved by the Petitioner - co-operative housing society to implead itself as a party defendant has been rejected.

2. Suit is filed by the Respondent No. 1 - plaintiff against the Respondent No. 2, wherein one of the relief is an order of injunction which is sought against the Respondent no. 2 – defendant. The petitioner sought impleadment on the ground that the petitioner is seeking to redevelop the property and therefore the order of injunction may affect the petitioner society and therefore its impleadment is necessary.

3. Heard the learned counsel for the parties. The dispute in

the suit is only between the plaintiff and the defendant. Even if any order of injunction is passed, since the petitioner society is not a party, it will not bind the petitioner society. No observation made and no order passed in the suit will bind the petitioner society. The petitioner society is free to take action as per law against the plaintiff as well as defendant. Considering this situation was put to the learned counsel for the Respondent No. 1 – plaintiff as to whether the plaintiff would join the petitioner as a party. The learned counsel for the Respondent No. 1, on instructions, submitted that the Respondent No. 1 – plaintiff is not ready to join the co-operative society as a party defendant. Therefore not impleading the petitioner society in the suit will be entirely at the risk of the respondent No. 1 – plaintiff as the petitioner society will be free to take all the action that is available in law against the Respondent No.1 – Plaintiff. Since nothing in the suit will affect the petitioner it is not necessary to interfere with the impugned order. The writ petition is accordingly disposed of.

***(N. M. JAMDAR, J.)***