

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

WRIT PETITION NO.9693 OF 2013

**Ramesh Shivram Palav : Petitioner
versus
Sushila Bhanudas Shikhare and anr. : Respondents.**

**Mr. Mayuresh Modgi a/w Mr. A M Gokhale for the Petitioner.
Mr. R N Jawal for the Respondent No.1.**

**CORAM : R. M. SAVANT, J.
DATE : 06th January 2016**

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 19/07/2013 passed by the learned Judge of the Small Causes Court by which order the application filed by the Respondent No.2 herein i.e. Hemant Shivram Palav came to be allowed and resultantly the Respondent No.2 was directed to be impleaded as party Defendant to the suit .

2 It is an undisputed position that the Respondent No.2 is one of the co-owners of the suit property. The Petitioner has filed the suit in question for the eviction of the Respondent No.1 who is the tenant on the grounds made out in the suit in question. The Respondent No.2 applied for his impleadment in the suit on the ground that he is one of the co-owners of the suit property and is a necessary party to the suit in question.

3 The Trial Court considered the said application and has allowed the same by the impugned order dated 19/07/2013. The Trial Court has observed that though the Respondent No.2 may not be a necessary party but he is a proper party to the suit in question being the co-owner of the suit property.

4 In my view, since the Trial Court deemed it appropriate to allow the impleadment of the Respondent No.2 who is admittedly the co-owner of the suit property as party Defendant to the suit, this Court does not deem it appropriate to exercise its writ jurisdiction. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]