

Sequeira

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

WRIT PETITION NO. 11243 OF 2016

Parmanand Narayan Patil.

.. Petitioner

Vs

M/s.Devshree Corporation & ors.

.. Respondents

Mr.G.M.Savagave, for the Petitioner.

Mr.Sandesh Patil a/w Mr.Chintan Shah i/b Triyama Legal, for
Respondent No.1.

***CORAM : N.M.Jamdar, J.
Thursday, 27 October 2016.***

P.C. :

By this petition, the Petitioner challenged the order passed by the learned Civil Judge, Senior Division, Thane dated 27 October 2014 rejecting the application taken out by the Petitioner for impleadment in the suit filed by the Respondent-Plaintiff. The learned Civil Judge has rightly held that the Respondent-Plaintiff is in carriage of the proceedings and it is its choice whom to seek relief against. Since the Petitioner has not been joined in the suit no observations made during the trial or any order passed therein will affect the Petitioner and the Petitioner's independent right if any, will not be affected by the outcome of the suit. The learned counsel for the Respondent-Plaintiff submits that he is aware of the risk of not

joining the Petitioner as a party defendant and the Petitioner need not be joined whatever may be the consequence. In view of this position since no right of the Petitioner will be affected by the outcome of the suit, it is not necessary to interfere with the impugned order. Writ Petition is accordingly disposed of.

(N.M.Jamdar, J.)