

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

CIVIL REVISION APPLICATION NO. 265 OF 2017

Mr. Mohd. Hanif Banne Choudhary ...Applicant

Versus

Ganesh Shankar Patil & Ors. ...Respondents

.....
Mr. Manoj Kumar Upadhyay for the Applicant.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JUNE 27, 2018**

P.C. :

1. The learned Counsel for the applicant submits that he has given a fresh notice to respondent nos. 6 to 14, who are the original applicants in Chamber Summons.
2. This Civil Revision Application is directed against the order dated 8th February, 2017 passed by the learned Ad-hoc Judge, City Civil Court and Asst. Sessions Judge, Dindoshi, Goregaon, Mumbai thereby allowing Chamber Summons No. 698 of 2012 and adding the applicants as party defendants to S.C. Suit No. 1368 of 2012.

3. The applicant, who is the original plaintiff, has filed S.C.Suit No. 1368 of 2012 for simplicitor injunction against the original defendants. Respondent nos. 6 to 14 i.e., the original applicants in Chamber Summons have filed Chamber Summons for adding them as party defendants to the suit. They have challenged the possession and ownership of the suit property claimed by the plaintiff.

4. The learned Counsel for the applicant submits that the order dated 8th February, 2017 passed by the learned Judge of the trial Court is erroneous, as no relief is sought against the third party. He further submits that the applicant is the owner and he is in possession of the property of CTS No. 1479 i.e., Survey No. 102. He further submits that the applicant has purchased this land from predecessor-in-title of the present respondents through one M/s. Nimesh Enterprises. He further submits that considering the scope of the plaint, the addition of these persons as party defendants is not necessary.

5. Perused the impugned order. Also perused the papers and the affidavit in reply. It appears that respondent nos. 6 to 14 i.e.,

the proposed defendants have challenged the possession and ownership of the suit property claimed by the plaintiff and the suit is for injunction and, therefore, they are necessary and proper parties. Hence, the order dated 8th February, 2017 passed by the learned Judge of the trial Court cannot be faulted with.

6. In view thereof, Civil Revision Application is dismissed.

(MRIDULA BHATKAR, J.)