

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.11608 OF 2018

The Union of India	...Petitioner
V/s.	
M/s.Bahadurbhai Chanabhai & Co. & Ors.	...Respondents

Mr.S.R. Rajguru with Mr.Pranil Sonawane for the Petitioner.

Mr.Sagar Joshi for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 19TH SEPTEMBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 16th June, 2017 passed by the learned Civil Judge, Senior Division at Vasai allowing the application filed by the respondent no.1 for impleadment below Exhibit – 158.

2. The petitioner (original plaintiff) had filed a suit for declaration and possession in respect of the suit land. It was the case of the respondent no.1 that vide a registered Sale Deed dated 8th July, 1978, Mr.Khalil Ahmed Bhure and others who are parties to the suit had sold their share to the respondent no.1 and since then they are in possession of that part of land and were thus necessary parties to the suit filed by the petitioner.

3. I have perused the order dated 16th June, 2017 passed by the learned Trial Judge. The suit is admittedly for declaration and possession in respect of the suit property. Some part of the suit property is allegedly sold in favour of the respondent no.1 and they claimed to be in possession. The evidence has not commenced in the said suit filed by the petitioner. In my view, the learned Trial Judge has rightly allowed the application for impleadment filed by the respondent no.1 after recording the detailed reasons in the impugned order. I do not find any infirmity in the impugned order dated 16th June, 2017 passed by the learned Trial Judge.

4. The amendment to be carried out within four weeks from today. The amended copy of the plaint shall be served upon the defendants including the newly added party simultaneously. The defendants including the newly added party will be permitted to file the written statement within four weeks from the date of service of the amended copy of the plaint. The copy of the written statement shall be served upon the plaintiff's advocate simultaneously. It is made clear that no further extension of time would be granted.

5. The writ petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

Vasant
Anandrao Idhol

Digitally signed by Vasant
Anandrao Idhol
Date: 2018.09.25 15:23:10
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(R.D. DHANUKA, J.)