

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 2463 OF 2016****IN****WRIT PETITION NO. 6324 OF 1999****Janardan Narsingh Mahajan,****deceased through his heirs and legal representative****Naval Janardan Mahajan****..... Applicant/
Petitioner****VERSUS****M/s.Makhija Vohara Builders & Ors.****..... Respondents**

Mr.Vijay S. Gharat for the Applicant.

Mr.Bhavin Gada, a/w. Ms.Vaishali Sharma, i/b. Harakchand & CO. for
the Respondent no.1.**CORAM : R.D. DHANUKA, J.****DATE : 25th OCTOBER, 2018****P.C.**

By this civil application, the applicants (original petitioners) seeks impleadment of the District and Collector Mumbai and Anand Vihar Co-op.Hsg.Soc.Ltd.

2. Admittedly, the suit was filed under section 6 of the Specific Relief Act, 1963 by the original plaintiff. The said suit was decreed and is subject matter of this writ petition. Writ petition has been admitted by this court on 24th November,1999. The respondents are directed not to create any third party interest or part with possession in respect of suit flat during the pendency of the said petition.

3. These proceedings are arising out of section 6 of the Specific Relief Act. Neither the District and Collector Mumbai nor Anand Vihar Co-op.Hsg.Soc.Ltd. who are proposed to be impleaded as respondent nos. 9 and 10 would be thus necessary parties or proper parties. They were not the parties admittedly in the said suit filed under section 6 of the Specific Relief Act. No case is made out for impleadment of the proposed respondent nos. 9 and 10 as parties to the writ petition arising out of the suit filed by under section 6 of the Specific Relief Act.

4. Civil application is misconceived and is accordingly dismissed.

[R.D. DHANUKA, J.]