

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 11529 OF 2014

Lodha Dwellers Private Ltd. ... Petitioner
Vs.
Ramesh Nanulal Khandelwal & Ors. ... Respondents

Mr. Toran Diwan i/b. Veritas Legal, Advocate for the petitioner.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **10th July, 2018.**

P.C.:

This Writ Petition is directed against the order dated 13th December, 2012 passed by the learned Civil Judge Senior Division, Kalyan thereby rejecting the Application, which is marked as Exhibit 25. The petitioner has filed the Application under Order 1 Rule 10 of the Code of Civil Procedure praying that he be impleaded as party-defendant in Special Civil Suit No. 127 of 2010. The said Application was rejected. Hence, this Writ Petition.

2. The learned counsel for the petitioner submitted that the present petitioner is assignee of developmental rights from the defendants, who are the owners of the land and the petitioner is in possession of the said land. The plaintiff/respondent No. 1 has filed the suit for specific performance against the defendants/respondent

nos. 2 and 3. The learned counsel submitted that the petitioner is a necessary party in the matter and he be impleaded.

3. Perused the plaint, prayers, Application filed under Order 1 Rule 10 of CPC and the impugned order. The petitioner claims his right under the Development Agreement which was executed between him and the defendants/respondent nos. 2 and 3. The defendants are the land owners, who as per the case of the plaintiff/respondent No. 1 has agreed to sell the land to the plaintiff and therefore, the plaintiff has filed the suit for specific performance. The view taken by the trial Court that presence of the petitioner is not required to adjudicate the issues. Therefore, the issue of possibility of multiplicity of proceedings is irrelevant cannot be faulted with. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)