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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2587 OF 2020

Sharadchandra Bhagwant DeshpandePetitioner

V/s.

Shree Naikba Deosthan TrustRespondents
Through Chairman Vilas R.
Anugade and others

Mr. Dilip Bodake a/w Mr. Sharad Bhosale for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 10, 2021.

P.C.:

1] A dispute arise in between the Petitioner and his tenants which I am informed is subjudiced before this Court in Writ Petition, arising out of the proceedings taken out under the provisions of Maharashtra Tenancy and Agricultural Lands Act ('MTAL Act' for short).

2] The Trust/Deosthan initiated Suit being R.C.S. No. 24 of 2007 for possession and injunction which has reached at an advance

stage. Petitioner has already been examined as a witness of the Defendant in the said Suit as is informed by the learned counsel for the Petitioner.

3] In the aforesaid background, submissions of Shri. Bodake, learned counsel for the Petitioner are, in the Suit in question, since the issue of ownership is framed, Petitioner is a necessary party as he has ownership over the same and the issue of ownership if answered either way, is likely to cause prejudice to him.

4] The aforesaid contentions are liable to be rejected for the following reasons:

(a) Petitioner is already before this Court against the Defendant to the said Suit in an independent Writ Petition arising out of the MTAL Act wherein the issue of his ownership/his status as landlord of course will be looked into;

(b) Petitioner has already been examined as a witness of the Defendant in the present Suit. As such, the finding on the issue of ownership, if any, will not bind the Petitioner as that can only be restricted to the extent of parties to the Suit.

5] In the aforesaid background, reliance placed by the Petitioner on the Judgment of the Apex Court in the matter of **Amit Kumar Shaw and another Vs. Farida Khatoon and another [2005 (3) Mh.L.J.]** will be of hardly any assistance.

6] No case for interference is made out. Petition stands dismissed.

[NITIN W. SAMBRE, J.]