

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

WRIT PETITION NO.408 OF 2020

Anil Kumar Kalulal Jain Petitioner

Vs.

State of Maharashtra & Ors. Respondents

Mr. Sandeep S. Sharma for Petitioner.

None for Respondent Nos. 2 to 5.

Ms. Madhubala Kajle, "B" AGP for Respondent No. 1.

Coram : NITIN W. SAMBRE, J.

Date : 10TH FEBRUARY, 2021

P.C.:

1. In a partition suit, Chamber Summons No. 1307 of 2018 came to be moved by the Respondent-Plaintiff for impleadment, which is allowed vide order impugned dated 15th October, 2019.

2. The submissions are, the order impugned is not sustainable particularly when the parties, who are sought to be impleaded have nothing to do with the suit property, the relation between the Petitioner and other Respondents, who are sought to be impleaded is sought to be relied on, so as to support the said contention.

3. It is also claimed that in case if the parties are impleaded, there might be landlord-tenant dispute, which will oust jurisdiction of the Civil Court.

4. Considered submissions.

5. I have perused the prayer clause in the plaint. Amongst other the prayer is for partition of the suit premises and the appointment of Court Commissioner in relation to the suit property.

6. One of the party, who is sought to be impleaded claimed to have purchased part of the suit property and other party are tenants.

7. In the aforesaid backdrop, the order impugned dated 15th October, 2019 directing impleadment appears to be just and proper, so as to adjudicate real controversy between the parties to the suit.

8 The claim that the impleadment might change jurisdiction, will be decided on its merits by the Court in case such issue will crop up.

9. In view of above, no interference is called for. The Petition fails. Dismissed.

(NITIN W. SAMBRE, J.)