

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 WRIT PETITION NO.7141 OF 2022

MAJARKHAN MIRKHAH PATHAN
VERSUS
SK. YUNUS SK. SHIRAJ AND OTHERS

...
Advocate for Petitioner : Mrs. Chincholkar Surekha G.

CORAM : MANGESH S. PATIL, J.
DATE : 12.07.2022.

PER COURT :

In a suit for specific performance which is going on between the respondents *inter se*, the petitioner sought to intervene under Order I Rule 10 of the Code of Civil Procedure by moving application (Exh. 26). By the order under challenge the application has been rejected.

2. I have heard the learned advocate for the petitioner.
3. Even according to the petitioner he is not related to either of the parties nor is he interested in opposing the suit for specific performance.
4. The petitioner's only anxiety seems to be that he claims to have some right in the suit property and also he claims to be in possession of a portion thereof.
5. Going by the stand being taken by the petitioner, the suit for specific performance can certainly be effectively decided even in his absence, consequently he cannot be said to be a necessary party to that suit.
6. Needless to state that not being a party to that suit, any order or decree passed therein would not bind the petitioner.

7. The petitioner can certainly seek to enforce whatever rights he has by way of a separate suit.
8. Adding him in the suit for specific performance would unnecessarily vex the issue.
9. There is no illegality in the order rejecting the petitioner's application.
10. The Writ Petition is dismissed.

(MANGESH S. PATIL, J.)

mkd/-