

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12353 OF 2022

Vasudev Ramkrishna Fegade .. Petitioner

Versus

Sonak Kishor Patil .. Respondent

Mrs. A. N. Ansari, Advocate for the Petitioner.

CORAM : SANDEEP V. MARNE, J.

DATE : 07TH DECEMBER, 2022.

FINAL ORDER :

. Petitioner challenges order dated 06.04.2022 passed by the Civil Judge Senior Division, Jalgaon rejecting petitioner's application at Exhibit 14 for impleadment as third party in Rent Suit No. 228 of 2018.

2. The suit bearing Rent Suit No. 228 of 2018 has been instituted by the respondent seeking eviction of Shri Bhushan Fegade, who is petitioner's son. The respondent claims to have obtained ownership in respect of suit property on the strength of sale deed dated 28.01.2016 executed by the petitioner in his favour. After acquiring ownership rights in the property, the respondent executed leave and license agreement in favour of the petitioner's son Bhushan Fegade. On expiry of license term, Rent Suit No. 228 of 2018 was filed for recovery of possession. Petitioner has filed application to implead himself on the ground

that the petitioner has already filed Spl. C. S. No. 105 of 2018 before the same court seeking cancellation of sale deed dated 28.01.2016 and for declaration of ownership and possession as well as for injunction. On the strength of filing of such Spl. C. S. No. 105 of 2018, petitioner sought third party impleadment in Rent Suit No. 228 of 2018.

3. In my view, the petitioner has absolutely no locus to intervene in the suit Rent Suit No. 228 of 2018 filed by the respondent against the petitioner's son for eviction. On expiry of license term, the petitioner will independently prosecute his suit for cancellation of sale deed. Merely because petitioner has filed Spl. C. S. No. 105 of 2018, he cannot participate in Rent Suit No. 228 of 2018 filed for eviction. Even otherwise, petitioner appears to be confused. On one hand he seeks impleadment on the ground that he is residing in the suit property along with his son and on the other hand he contends that the eviction decree passed in Rent Suit No. 228 of 2018 would affect the relief claimed by him in Spl. C. S. No. 105 of 2018. In either case, the petitioner has no right to seek impleadment merely on the strength of family member of the licensee. Petitioner cannot seek impleadment in a suit for eviction, merely because sale deed in question is challenged by the petitioner and that alone cannot be a legal ground for seeking impleadment in a suit for eviction. I am of the view that the Trial Court has not committed any error in rejecting petitioner's application. Petition is devoid of merits and the same is dismissed without any orders as to the costs.

4. Mrs. Ansari, learned counsel appearing for the petitioner submits that the petitioner is in the process of applying for clubbing of Rent Suit No. 228 of 2018 and Spl. C. S. No. 105 of 2018 to the District Court. If such an application is filed, same shall be decided on its own merits without being influenced by the present order.

[SANDEEP V. MARNE, J.]

bsb/Dec. 22