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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 836 OF 2022

JAYRAM P. CHHABADA

....PETITIONER

V/s.

GHANSHYAMDAS K. KUKREJA AND ANRRESPONDENTS

Smt. Prabha U. Badadare advocate for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 3, 2022.

P.C.:

- 1) In a Suit for specific performance, Petitioner's Application under Order I Rule 10(2) of Code of Civil Procedure, 1908 for impleadment is rejected on 10/12/2021 by the Court of Jt. Civil Judge Senior Division, Kolhapur.
- 2) Submissions of learned counsel for the Petitioner are, Respondent-Plaintiff is brother and Petitioner has share in the property.
- 3) I have appreciated aforesaid submissions.

4) I hardly see any justifiable reasons which warrants exercise of extraordinary jurisdiction to cause interference in the impugned order particularly when Petitioner does not appear to be necessary party to a Suit for specific performance. Respondent-Plaintiff is dominus litis and if there is failure to implead appropriate or necessary party, will result in consequences which respondent-Plaintiff will suffer.

5) That being so, no case for interference in the impugned order is made out. Petition stands dismissed.

[NITIN W. SAMBRE, J.]