

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.729 OF 2022**

Dr. Hemlatha Rajkumar Kothari	Petitioner
V/s	
Annasaheb Ramchandra Kore	Respondent

Mr. Nagesh Y. Chavan for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 24, 2022

P.C.:-

1] Regular Civil Suit No. 106 of 2006 was dismissed, whereas counter-claim for possession of suit house came to be decreed based on which execution proceedings being Regular Darkhast No.147 of 2013 came to be initiated. Exhibit-67 is an application taken out by the judgment debtor for addition of third party, which is rejected vide impugned order dated 25th October, 2021.

2] Contentions of Mr. Chavan, learned Counsel for the Petitioner are, considering the nature of claim, earlier documents *inter se* viz relinquishment and partition, third party is required to be impleaded for proper adjudication of the claim.

3] I have appreciated the said contentions.

4] Fact remains that similar attempt on the part of the Petitioners vide Exhibit-63 was already rejected by the Executing Court. Apart from above, third party, if has any independent right, is always at liberty to participate in execution proceedings. However, third party is not required to be impleaded as party in the proceedings. That being so, no case for interference in extraordinary jurisdiction is made out.

5] Petition stands dismissed.

(NITIN W. SAMBRE, J.)