

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3715 OF 2022

Nitin Sadashiv Thakur] ... Petitioner

Vs.

Neela Yashwant Thakoor & Ors.] ... Respondents

...

Mr. Bakul B. Bhosale for the petitioner.

...

CORAM : KAMAL KHATA, J.

DATED : 15TH SEPTEMBER, 2022.

P.C.:-

1. Heard learned counsel for the petitioner.
2. This petition is filed for quashing and setting aside the order dated 13/04/2017 passed by the Small Causes Court in R.A.E. Suit No.503/762 of 2009 and the notice of motion taken out therein for adding the petitioner as necessary party in the said suit may be allowed.
3. I have examined the impugned order dated 13/04/2017. I find no infirmity in the said order.

4. Learned counsel for the petitioner submits that he has filed a partition suit being Suit No.742 of 2015 against respondent No.1, which is pending before this Court.

5. Learned counsel drew my attention to the family tree to submit that he is a co-owner of the subject property.

6. The petitioner has not been able to produce any document to show that he is a co-owner of the subject property.

7. In my view, the petitioners' rights can be crystallized only after the partition suit is decided. In any event, the petitioner's rights, if any, as per the family tree annexed to this petition, would be protected and, therefore, there is no necessity to add him as party-respondent in the said R.A.E. Suit No.503/762 of 2009, which is for eviction of the tenant.

8. The petition is dismissed. No order as to costs.

[KAMAL KHATA, J.]