

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.239 OF 2021

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Naveen Kumar Hazari

..Applicant

Versus

Mohd. Ifetkar Ahmed and Anr.

..Respondents

Mr. Jeetendra Ranawat, for the Applicant.

Mr. Yash Tiwari i/by K. P. Tiwari & Co., for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 3rd JANUARY, 2022

PC.

1. This revision application is by the plaintiff in SC Suit No.3362 of 2013, in which, a Chamber Summons is taken out seeking relief of impleadment under Order I Rule 10 of the Civil Procedure Code ("CPC" for short) which is rejected vide impugned order dated 19th January, 2021.

2. The submissions of learned counsel for the applicant are that the applicant/plaintiff has every right to invoke the provisions of Order I Rule 10 of CPC seeking impleadment of two co-operative housing societies namely, M/s. Halima Co-operative Housing Society and M/s. Shalimar Co-operative Housing Society in the wake of communication issued by M/s. Halima Co-operative Housing Society in relation to suit property for effective adjudication of the relief claimed. He would further claim that Bank is necessary party to the

proceedings as the finance are give by the Bank who has initiated proceedings under the SARFAESI Act. He would claim that so as to identify the property effectively in support of the claim made in the suit the Court below ought to have ruled in favour of the applicant thereby observing that the aforesaid three parties are if not necessary but appropriate parties.

3. The prayer is opposed by the respondents on the ground that no relief is claimed against the aforesaid three proposed defendants to the suit.

4. Considered submissions.

5. No doubt, the applicant/plaintiff is *dominus litis* and he has every right to address the Court on the issue of impleadment of proper or appropriate party for effective adjudication of the suit claim in the background of Order I Rule 10 of CPC.

6. It is an admitted position on record that the applicant/plaintiff has not claimed any relief against the proposed defendants i.e. two co-operative housing societies and the financial institution.

7. It appears that the applicant intends to implead aforesaid parties to the suit based on the communication issued in relation to the identity/situation of the suit property.

8. In the aforesaid background, having regard to the fact that no reliefs are claimed by the applicant against any of the proposed parties to the suit, the Court below is justified in rejecting the claim. I see no legal bases so as to justify the claim for impleadment.

9. That being so, the order impugned passed by the Court below refusing to grant relief under Order I Rule 10 of CPC cannot be faulted with. Petition as such lacks merit.

10. Petition accordingly stands dismissed.

[NITIN W. SAMBRE, J.]