

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION 7905 OF 2018

Abdul Rajak Shoukatali Shaikh

.. Petitioner

V/s.

Javed Ahmedso Faniband

and Ors.

..Respondents

Mr. Surel Shah for the Petitioner.

None for the Respondents.

CORAM : ROHIT B. DEO, J.

DATE : 8 JUNE 2022

P.C.

1. The challenge is the order dated 09.02.2018 rendered by the learned 2nd Joint Civil Judge, Senior Division, Solapur in Special Civil Suit 150 of 2015 below Exhs 53 and 61, whereby two third parties are impleaded as co-defendants in suit for specific performance on the premise that the third parties are the co-owners of the subject matter of the suit property.

2. While the learned counsel for the Petitioner would submit that the third parties are not parties to the agreement of which specific performance is sought, the learned counsel fairly does not dispute that as of today there does not appear to be ascertainment of specific shares.

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3. In this view of the matter, in my considered opinion, the third parties would be proper parties, albeit they may not be necessary parties.

4. I am not inclined to interfere in the discretion exercised by the learned Trial Judge under Order 1 Rule 10 of the Code of Civil Procedure, 1908.

5. Writ Petition is dismissed.

(ROHIT B. DEO, J.)