

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1084 OF 2022

Shri. Hindurao Ramkrishna Katkar

..Petitioner

Versus

Shri. Maruti Ramkrishna Katkar

..Respondent

Mr. Rajaram V. Bansode a/w Sheetal Ubale, for the Petitioner.

CORAM : NITIN W. SAMBRE, J.

DATE : 3rd FEBRUARY, 2022

PC.

1. In a suit under the Specific Relief Act for permanent injunction, based on previous suit filed by the petitioner/third party, application Exh.56 came to be moved seeking impleadment which is rejected vide impugned order dated 16th March, 2019. It is not the case of respondent/plaintiff that the petitioner/third is disturbing his possession over the suit property and that being so, the Court below is justified in observing that the petitioner/third party is not a necessary party to the suit. It is always open for the petitioner to agitate independently in his suit being Suit No.36 of 2012 about his rights, if any against the parties therein.

2. That being so, no case for interference in the impugned order is made out.

3. The petition as such stands dismissed.

[NITIN W. SAMBRE, J.]