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

**CIVIL APPLICATION NO.13 OF 2019
IN
WRIT PETITION NO.2008 OF 1997**

Yogi Darshan Makwana Nagar CHSL ... Applicant
Versus
Karsandas Chaganlal (Decd.)
Through his LRs & Ors. ... Respondents

Mr. Pradeep J. Thorat for the Applicant.
Mr. Sameer R. Bhalekar for Respondent No.3.

CORAM : S. M. MODAK, J.

DATED : 15TH JULY 2022

P.C. :

1. Heard learned Advocate for the Applicant/Obstructionist and learned Advocate for proposed Respondent No.3.
2. By this Petition, the Petitioner has challenged an order passed by the Appellate Bench of the Small Causes Court, Mumbai. As per the said judgment, the order of Executing Court directing removal of obstruction caused by the Obstructionist and making obstructionist notice absolute was confirmed. The suit filed by Respondent Nos.1 to 3 for recovery of possession of open plot of land was decreed.
3. During pendency of the present Petition filed at the instance of obstructionist, Respondent No.1(a) has executed deed of assignment on 8th August 2012 thereby transferring the suit property in favour of proposed Respondent No.3. Even Respondent No.1(a) Vijayaben Solanki expired and her legal representatives are impleaded. None appears for them.
4. A copy of the registered deed is annexed to the application. The

learned Advocate for the assignee/proposed Respondent No.3 admits execution of the said deed. In view of that Respondent No.3 needs to be joined as party Respondent because they must be interested in execution of the decree. Hence the application is allowed. Respondent No.3 may be joined as party Respondent. Necessary amendment be carried out in the Writ Petition within 14 days. The amended copies of Writ Petition be served on Respondent No.3 as well as to other Respondents through their Advocate. The learned Advocate for Respondent No.3 waives notice in the Writ Petition.

(S. M. MODAK, J.)