

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.9422 OF 2018**

Neelesh Mahadev Karnik

.. Petitioner

Versus

Hasmukh Lakhdhir Gindra and Ors.

.. Respondents

-
- Mr. Samir Sarambalkar for Petitioner.
 - Mr. R.P.Ojha for Respondent No.1.
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CORAM : MILIND N. JADHAV, J.**DATE : NOVEMBER 23, 2022.****P.C.:**

1. Heard Mr. Sarambalkar, learned Advocate for Petitioner.
2. By the present Petition, Order dated 18.11.2017 passed by the City Civil Court at Borivali Division, Dindoshi, Goregaon, Mumbai in Chamber Summons No. 995 of 2016 is under challenge.
3. The order directs impleadment of Respondent No.1 as Defendant No.12 in the suit. Reasons of incorporation and impleadment of Defendant No.12 in the suit have been stated in paragraph Nos. 3 and 4 of the impugned order. For brevity they are not repeated.
4. Admittedly, Petitioner has not denied the fact that there is a registered conveyance dated 26.03.2010 in favour of Respondent No.1 whereby the original Defendant Nos.8 and 10 have sold, transferred and assigned their right, title and interest in the suit premises to the

extent of 20% their share to Respondent No.1 alongwith 5% share in respect of the suit land.

5. Learned Advocate for Petitioner submitted that since it is an undivided share, the same cannot be bifurcated and conveyed and therefore he opposes the impleadment and the impugned order.

6. Be that as it may, Respondent No.1 is a proper and necessary party. In view of the above admitted factual position, Trial Court shall adjudicate on the rights of the parties in accordance with law and pass appropriate orders. Order dated 18.11.2017 is sustained.

7. Writ Petition is dismissed on the aforesaid grounds.

[MILIND N. JADHAV, J.]

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