

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3371 OF 2020

Sonabai Ramchandra Jadhav and Ors. ..Petitioners
Versus
Mirabai Shyam Rathod and Anr. ..Respondents
Mr. Anand S. Kulkarni, for the Petitioners.

CORAM : NITIN W. SAMBRE, J.

DATE : 12th APRIL, 2022

PC.

1. Heard Mr. Anand Kulkarni, learned counsel for the petitioners, whose application Exh.34 for impleadment under Order I Rule 10(2) of the CPC as defendants is rejected vide impugned order dated 24th September, 2018.

2. The submissions are, since the suit property is ancestral one, the petitioners have interest in the suit property and that being so, if not necessary an appropriate party.

3. I have appreciated the said contentions in the backdrop of the fact that the petitioners' suit for partition is already dismissed for default. The respondents/plaintiffs are *dominus litis* and that being so, if they have not impleaded the petitioners, the necessary consequences will follow.

4. In any case, while dealing with relief of simplicitor injunction based on title, this Court is of the view that petitioners are not necessary parties. That being so, no case for interference in the order impugned is made out.

5. The petition as such stands dismissed.

[NITIN W. SAMBRE, J.]