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

WRIT PETITION NO.11367 OF 2023

Hari Ramchandra Thakur

... Petitioner

V/s.

Deepak Shahadev Pawaskar & Ors

... Respondents

SHABNOOR
AYUB
PATHAN
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Mr. Sanskar Marathe, for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 12, 2023

P.C.:

1. By this writ petition under Article 227 of the Constitution of India, the petitioner is challenging order dated 16 January 2023 rejecting application of petitioner to implead himself as necessary party in a suit for partition filed by erstwhile tenant, in whose favour certificate under Section 32M of the Bombay Tenancy and Agricultural Lands Act, 1948 was issued.

2. The description of the property in paragraph 1 of the plaint that is Survey No.25A Hissa No.6/7/22/23/29B admeasuring 1.82.00 Hectors and 0.52.00 R. The property is described as 'Kinjalachi Aad (किंजळाची आड)'. Since, the suit is in respect of properties specified in paragraph 1 of the plaint, rights of the petitioner over his property are not affected. The decree passed in such suit being restricted to the description of the property in paragraph 1 of the plaint, it shall not bind the petitioner.

3. Moreover, in case of valuable rights if petitioner being affected, it shall always open to petitioner to seek appropriate relief in appropriate proceedings against parties to the suit.
4. With this clarification, the writ petition stands disposed of.

(AMIT BORKAR, J.)