

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

WRIT PETITION NO.11634 OF 2022

Milind Janardan Kokate

...Petitioner

Versus

Divkar Vishwanth Survey And Anr.

...Respondents

Ms. Babita Pandey for the Petitioner.

Ms. Gracy Saldhana i/by Mr. Suresh M. Sabrad for Respondent No.1.

Mr. Rudresh Jagdale i/by Mr. Vilasrao Jagdale for Respondent 2.

CORAM : N.R. BORKAR, J.

DATED : 29 AUGUST 2023

PC. :

By the order impugned, the trial Court has rejected the application filed by the petitioner under Order I Rule 10 of the Civil Procedure Code.

2. The respondent No. 1/ plaintiff has filed the suit against the respondent No. 2/ defendant for recovery of arrears of rent.

3. According to the petitioner, he too has right interest in the suit premises and therefore, he is necessary party to the suit. However, dispute appears to be between petitioner and respondent No. 2 and

therefore, the trial Court would not be able to examine the same in the suit filed by the respondent No. 1. Thus, no interference is called for in the impugned order. The Writ Petition is dismissed.

(N.R.BORKAR, J.)