

Nikita

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12194 OF 2023

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Date: 2023.10.06
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Saveetha Kumar Devendra

... Petitioner

V/s.

Angamma Ramaswamy Devendra Decd.

Thru. LHRS

... Respondent

Mr. R.A. Yadav, for the Petitioner.

Mr. Harekrishna Mishra for the Respondent.

Ms. Manshi Jain i/b Ms. Usha Tiwari for
Obstructionists.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 5, 2023

PC.:

1. By the impugned order, in addition to setting aside order of abatement, the Trial Court directed plaintiff to add Obstructionists as party defendants to the suit.
2. During the course of arguments, the learned advocate for the petitioner was called upon to make statement as to whether he is ready to make Obstructionists as party to the petition. He states that since Obstructionists have no right over the suit property, they are not necessary parties and he will not add them as Respondents in the present petition.
3. It is well settled that while entertaining petition under

Article 227 of the Constitution of India, challenging validity of impugned order, beneficiaries of the order are required to be made parties. By the impugned order, Trial Court directed the petitioner to add Obstructionists as a party to the suit. Validity of such order cannot be gone into unless Obstructionists are made party to the petition. Since the petitioner is not ready to make Obstructionists party to the petition, the writ petition cannot be entertained.

4. The writ petition stands dismissed for non-joinder of necessary party.

(AMIT BORKAR, J.)