



Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.295 OF 2024

IN

WRIT PETITION NO.632 OF 2016

SHANU GAUDE ALIAS XANUM LADU GAUDE

AND 2 ORS

... APPLICANTS

Versus

DWARKABAI VISHWAMBAR DESAI AND 2

ORS.

... RESPONDENTS

Mr. Shivan Desai with Ms. Tahira Menezes and Ms Riya Amonkar,
Advocates for the Applicants.

Mr Parikshit Sawant, Advocate for the Respondents.

CORAM:- VALMIKI MENEZES, J.

DATED :- 22nd November, 2024

P.C.

This is an application for impleadment/intervention in a writ petition filed by the landlord challenging a revisional order under the Agricultural Tenancy Act by which the respondents have been declared to be tenants of field bearing survey No.150/4, 163/6 (part), 163/7, 169/2 and 169/3 of Village Priol, Ponda. In the intervention application, the applicant claims to be the brother of the late father of the respondents and claims rights of tenancy in the suit property through their grandfather. The applicants have not filed any independent application before the forum raising this claim and are now seeking direct intervention in the present petition.

2. The petitioner is the dominus litus with regard to the lease between him and the respondents and cannot be forced to implead a person who is considered a stranger to these proceedings. Additionally, no claim was raised by the applicants in any forum, whether of tenancy or otherwise.

3. In that view of the matter, the application for intervention/impleadment is required to be dismissed. However, the dismissal of this application shall not preclude the applicants, if so advised, from raising their claims before any forum without prejudice to the rights and contentions of the petitioner and respondents.

4. The application stands dismissed.

VALMIKI MENEZES, J.