

VRJ

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

WRIT PETITION NO.10426 OF 2015

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Hasanmahmmad Abdulkarim Inamdar ... Petitioner

V/s.

Yusuf Babaso Mulla & Ors. ... Respondents

Mr. P. D. Pise for the petitioner.

Mr. Sanjay D. Rayrikar for the State-respondent Nos.2,
3, 4 and 5.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 29, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- Despite service, none appears for the respondent Nos.1 and 6.
- The petitioner is challenging order passed by the Trial Court rejecting the petitioner's application for impleadment under Order 1 Rule 10 of the Civil Procedure Code, 1908.
- Respondent No.1-original plaintiff filed Regular Civil Suit No.340 of 2013 seeking permanent injunction against the defendants from disturbing his possession over the suit property as tenant of the property and further injunction seeking direction against defendant No.4 to remove seal.

5. In the said suit, the petitioner claiming to be trustee of the said trust filed an application seeking direction against respondent No.1 to implead Hajratpeer Shakkarganj Dargah as defendant No.6 in the suit.

6. The Trial Court rejected the application on the ground that the petitioner is not necessary party.

7. On perusal of the plaint, it appears that the petitioner claims to be tenant of the trust and he is seeking injunction in furtherance of his right as tenant of the trust. Hence, effectively the relief which is sought by the plaintiff cannot be granted unless his status as tenant is established. For the purpose of establishing such trust, the petitioner, being landlord/owner of the suit property, is necessary party. Hence, the Trial Court was not justified in rejecting the application.

8. Hence, I pass following order:

Rule is made absolute.

9. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)