

Shabnoor

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

WRIT PETITION NO.4863 OF 2024

M/s. Sai Satyam Developers through
Partners Ramchandra Parshuram Varak ... Petitioner
V/s.
Suman Raghunath Karale & Ors. ... Respondents

Mr. Girish Paryani i/by A & G Legal Associates, for
Petitioner.

CORAM : AMIT BORKAR, J.

DATED : JUNE 18, 2024

P.C.:

1. The petitioner is challenging an order passed by the Trial Court recalling petitioner's application to implead third parties to the suit.
2. The petitioner filed a suit for a declaration that the development agreements, power of attorneys and supplementary agreements in relation to suit properties are subsisting and binding on the defendants. The petitioner further sought decree seeking direction against defendants to comply with terms and conditions of development agreement. Further injunction restraining the defendants from obstructing petitioner while carrying out construction and development of the suit property was also sought.

3. In such suit, the petitioner filed an application to implead co-sharers of defendants as 'defendants' in the suit property. The Trial Court by the impugned order rejected the application mainly on the ground that the co-sharers sought to be impleaded, were not signatories to the documents executed in favour of the plaintiff.

4. Considering the prayers sought in the writ petition, no interference under Article 227 of the Constitution of India is called for as the relief prayed by the petitioner can be adjudicated and granted by the Trial Court without presence of proposed defendants as even as per the petitioner, alleged agreements are signed by the defendants who are parties to the suit. Hence, I do not find that the proposed defendants were necessary parties to the said suit.

5. The writ petition is, therefore, dismissed.

(AMIT BORKAR, J.)