



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13421 OF 2024.

IN

FIRST APPEAL NO.1485 OF 2012.

Anant Dinanath (Harishchandra)

Mahulkar And Ors.

...Applicants.

Vs

Sureshbhai Jayantilal Thanawala

And Anr.

...Respondents.

Mr. Abhishek Salian a/w. Mr. Venkatesh Shinde for the Applicants.

Coram : Sharmila U. Deshmukh, J.

Date : October 7, 2024.

P. C. :

1. Interim Application has been preferred seeking to add the proposed respondent as party to the present First Appeal. First Appeal is preferred against the impugned judgment dated 7th August 2012 in LC Suit No.121 of 1991 which was for perpetual injunction restraining the defendants from obstructing the plaintiff from entering upon the suit property and from cutting and removing grass standing thereon.
2. The Suit came to be dismissed, as against which First Appeal has been admitted. By this Interim Application, applicant seeks to implead third party who appears to have started some construction on the suit property.

3. Considering that suit sought limited relief of perpetual injunction restraining the defendants, the relief sought in the present Interim Application expands the scope of the First Appeal. It is open for the Applicants to take out necessary proceedings as against the proposed respondents. However, in a Suit for mere injunction which is personal to defendants, the proposed respondents cannot be added as party. Interim Application stands dismissed.

[Sharmila U. Deshmukh, J.]