

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5820 OF 2025**

Rukmini Ravindra Thorat ... Petitioner
versus
Karbasappa Basappa Nasale and Ors. ... Respondents

Mr. Vishwanath Patil with Mr. Pradip Patil, Mr. Kedar Nhavkar, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 30 APRIL 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 13 August 2024 passed by the learned Civil Judge, Sr. Division, Solapur, whereby the application preferred by the Petitioner to implead her as a party Defendant in RCS No.691 of 2016 came to be rejected.
3. The Petitioner claims to be a tenant in the suit premises in respect of which the Respondent No1 has instituted a suit for specific performance of the contract executed by Respondent No.2. The Petitioner approached the Court with a prayer to implead her as party Defendant to the suit on the premise that the suit has been instituted with a sole prayer of an order and direction to the Defendant to execute the Sale Deed, by falsely claiming that the Plaintiff is in possession of the suit property. In the event, the decree for specific performance of the contract is passed, rights of the Petitioner as a

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tenant in the suit premises would be jeopardised.

4. The learned Civil Judge was not persuaded to accede to the prayer of the Petitioner as the Petitioner was found neither necessary nor proper party.

5. The view of the learned Civil Judge is impeccable. The Petitioner is a complete stranger to the suit for specific performance of the contract. A useful reference in this context can be made to a judgment of the Supreme Court in the case of Kasturi V/s. Iyyamperumal & Ors.¹, wherein it has been clarified that a person who claims an independent interest in the property is not a necessary party to a suit for specific performance. In the event, a decree for specific performance is passed and the Petitioner is threatened to be dispossessed on the strength of the said decree, the Petitioner can work out her remedies.

6. Thus, no interference is warranted in the exercise of supervisory jurisdiction.

7. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)

¹ (2005) 6 scc 733