

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 5786 OF 2025**

Shri Bhagwan Nathu Nimhan and ... Petitioners  
Ors.

V/s.

Pune Municipal Corporation and ... Respondents  
Ors.

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Mr. Girish Agrawal a/w Shubham Jangam, for the petitioners.

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**CORAM : N.J. JAMADAR, J.**  
**DATE : 6<sup>th</sup> MAY 2025.**

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**PC:**

1. Heard learned counsel for the petitioners.
2. The challenge in this petition is to an order dated 11<sup>th</sup> April 2025 passed by the learned Civil Judge Senior Division, Pune whereby an application preferred by the third-party-respondent no.4 to implead him as a party defendant to the suit, instituted by the petitioner challenging the legality and validity of the notices issued by the Pune Municipal Corporation came to be allowed.
3. Mr. Girish Agrawal, learned counsel for the petitioners, submitted that the petitioners have not claimed any relief against the respondent no.4. In fact, another civil suit is subjudice between the petitioners and respondent no. 4. At this behest, the Municipal Corporation had issued notices to the plaintiff. Therefore the respondent no. 4 is neither a

necessary nor a proper party.

5. The Trial Court has noted in Para No. 21 of the impugned order that, the respondent no 4 has acquired ownership over the subject property. If that is the case, the discretion is better exercised to implead the owner of the premises in a suit in which the legality and validity of the notices issued by the Municipal Corporation is assailed.

6. A Division Bench of this Court in the case of ***Ashok Babulal Avasthi vs. Munna Nizamuddin Khan and Anr in Writ Petition No. 6933 of 2022***, has after an elaborate analysis enunciated that, this Court has consistently exercised its discretion for the last five decades to allow such a joinder. This exercise of discretion has become a well-established practice. Even otherwise, in the instant case, it was at the instance of the respondent no. 4 notices were issued by the Pune Municipal Corporation to the plaintiff. Therefore, the learned Civil Judge was justified in exercising the discretion to implead the respondent no.4 as a party defendant to the suit.

7. This Court does not find any infirmity in the impugned order. The petition stands dismissed.

(N.J. JAMADAR, J)