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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8716 OF 2025

Sonba Bapu Tele and anrPetitioners

Vs.

Tukaram Bapu Tele and orsRespondents

Mr. H. V. Kode and Ms. J. S. Karnik for for the petitioners

CORAM : GAURI GODSE, J.

DATE : 7th JULY 2025

ORDER:

1. Heard learned counsels for the parties. This petition is filed by the plaintiffs to challenge an order permitting adding of parties to the suit. The suit is filed simpliciter for injunction by claiming that it is exclusive property of the plaintiffs. In this suit, an application is filed by respondent nos. 3 and 4 on the ground that they are heirs and legal representatives of the common ancestor Bapu Dhondiba Tele and thus, they would be necessary party to the suit. Respondent nos. 1 and 2 are the original defendant nos. 1 and 2.

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2. Learned counsel for the petitioners submits that the suit is filed simpliciter for injunction against the original defendants on the ground that the plaintiffs have purchased the suit property by way of a registered document. He, thus, submits that the proposed defendants are not concerned with the suit property. Learned counsel for the petitioners relies upon the pleadings in the plaint which refers to sale deed dated 3rd February 2020 based on which, the plaintiffs claim that they are exclusive owners of the suit property. He submits that based on plaintiffs' title, simpliciter suit is filed to protect their possession. He, thus, submits that in this suit, respondent nos. 3 and 4 would not be necessary parties as they are not concerned with the suit property.

3. I have perused the papers. In the suit, the plaintiffs referred to the description of the property with reference to the old survey number which even according to the plaintiffs was an ancestral property of the plaintiffs and defendant no. 1. The plaintiffs further referred to the partition of 30th May 1986. Respondent nos. 3 and 4 contend that even they are co-sharers of the suit property as they are sisters of plaintiff no. 1. They contend that the partition is

not effected and the plaintiffs illegally got executed a relinquishment deed without any intimation to respondent nos. 3 and 4. They claim that the suit property is not exclusive property of the plaintiffs and it still is an ancestral joint family property.

4. The learned trial Judge held that with regard to the effective adjudication and to avoid multiplicity of proceedings, respondent nos. 3 and 4 would be necessary parties to the suit for effective and complete adjudication of the issues involved in the suit. The relationship between the parties is not disputed. The history about the suit property explained by the plaintiffs also pertains to the suit property originally belonging to the ancestral joint family. One of the grounds argued on behalf of the petitioners is that the sale deed in favour of the plaintiffs is not under challenge. Hence, respondent nos. 3 and 4 would not be concerned with the suit property.

5. In view of the history of the suit property as pleaded in the plaint and the relationship between the parties, the issue regarding the challenge to the sale deed would be immaterial for deciding whether respondent nos. 3 and 4, i.e. sisters of plaintiff

no. 1 are necessary party to the suit. Considering the claim of the plaintiffs and the injunction sought to protect their exclusive possession, respondent nos. 3 and 4 who claim to be co-sharers in respect of the suit property, would be necessary for correct adjudication of the issue involved in the suit. It is well established legal principle that the Court can at any stage add necessary party to the suit for effective and complete adjudication of the issues involved in the suit. Thus, considering the plaintiff's pleadings and the relationship of respondent nos. 3 and 4 with the plaintiffs, the reasons recorded in the impugned order cannot be faulted. The issues on merits can always be raised by petitioners as permissible in law in the suit. Only adding respondent nos. 3 and 4 as necessary parties to the suit would not cause any prejudice to the petitioners. However, the plaintiffs' claim of exclusive ownership, if adjudicated in the absence of respondent nos. 3 and 4 who claim to be co-sharers, would be adversely affect them.

6. Hence, I do not find any merit in the objection raised on behalf of the petitioners. No fault can be found in the reasons recorded in the impugned order. This is not a case to exercise

discretionary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order. The petition is therefore, dismissed.

[GAURI GODSE, J.]