

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13081 OF 2025

Md Arif Mumtaz Ahmed Ansari ..Petitioner

Versus

The State of Maharashtra Through G.P. & Ors ...Respondents

Mr. Mohan Rawat, for the Petitioner.

Mrs. M.S. Srivastava, AGP, for the Respondent-State.

Adv Sadhana Singh, for Respondent Nos. 2 to 4.

CORAM: N. J. JAMADAR, J.

DATE : 13th OCTOBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner. .
2. The challenge in this Petition is to an order dated 29th August 2025 passed by the learned District Judge-1, Bhiwandi, on application (Exhibit “37”) for impleadment in MCA No. 60 of 2024, preferred by the Plaintiff, being aggrieved by an order of rejection of the Application for temporary injunction.
3. By the said order the learned District Judge rejected the Application opining *inter alia* that the Petitioner has already preferred an Application for impleadment in the Suit which was yet to be decided by the trial Court. In such circumstances, during the pendency of such Application for impleadment before the trial Court in the main Suit, it

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would not be appropriate for the Appellate Court hearing a MCA against an order rejecting prayer for temporary injunction, to delve into the aspect of the Petitioner being either a necessary or proper party to the proceeding.

4. No fault can be found with the aforesaid view of the learned District Judge.

5. The learned Counsel for the Petitioner made a grievance that trial Court is not deciding the Application for impleadment and in the meanwhile if the Appellate Court decides the Appeal, the rights of the Petitioner would be seriously affected.

6. The Court was informed that the proceeding before the trial Court is listed on 15th November 2025 and the Appeal is listed before the learned District Judge on 17th October 2025.

7. In these circumstances of the case, it may be appropriate that the trial Court decides the Application for impleadment of the Petitioner as a party to the proceeding, as expeditiously as possible.

8. The learned Civil Judge, Junior Division, Bhiwandi seized with RCS No. 358 of 2023 is requested to hear and decide the Application of the Petitioner for impleadment as party to the said Suit as expeditiously as possible. For the said purpose, the proceeding in RCS No. 358 of 2023 be preponed. The parties shall appear before the learned Civil Judge on 27th October 2025.

9. In the meanwhile, the learned District Judge is requested to defer the hearing in MCA No. 60 of 2024 till 15th November 2025.
10. Subject to the aforesaid clarification, Petition stands disposed.

[N. J. JAMADAR, J.]