



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.209 OF 2025**

Pritesh K. Naiknavare and Ors. ... Applicants
versus
Gram Panchayat Parinche, Pune
and Ors. ... Respondents

Mr. Dipesh Mohan Gaonkar with Mr. Santosh Ganade for Applicants.

CORAM: N.J.JAMADAR, J.

DATE : 17 APRIL 2025

P.C.

1. Heard the learned Counsel for the Applicants.
2. The challenge in this application is to an order dated 6 January 2025, whereby the learned Civil Judge has allowed the application (Exh. 65) preferred by Respondent Nos.4 to 9 to implead them as parties to the suit.
3. The applicant has filed a suit for perpetual injunction and a relief of demolition of unauthorized construction purportedly erected by the Defendant No.3. In the said suit, Respondent Nos.4 to 9 preferred an application for their impleadment as party Defendants to the suit. The claim of Respondent Nos.4 to 9 is that they are the co-owners of the suit land along with the Plaintiff. Their names are included in the record of rights of the suit land.
4. By the impugned order, the learned Civil Judge was persuaded to allow the application on the premise that Respondent Nos.4 to 9 are co-owners of the suit property and their presence is necessary for an effectual and

complete adjudication of the dispute. Therefore, Respondent Nos.4 to 9 were directed to be impleaded as party Defendants to the suit.

5. Learned Counsel for the Applicant submitted that the learned Civil Judge has incorrectly recorded that the suit is one for declaration and perpetual injunction. In fact, the suit is for removal of encroachment and injunction qua Defendant No.3. Respondent Nos.4 to 9 have no right, title and interest in the suit property. In fact, they have admitted that they have no interest in the suit property.

6. From the perusal of the averments in the plaint, especially, paragraph No.2, it becomes evident that the Plaintiff claims to be a co-owner of the suit property. The learned Civil Judge has observed that the record of rights of the suit property indicates that Respondent Nos.4 to 9 are co-owners of the suit property. In this view of the matter, it cannot be said that Respondent Nos.4 to 9 do not have a direct interest in the subject matter of the suit. The question as to whether Respondent Nos.4 to 9 have given an admission that they do not have any interest in the subject matter of the suit, is a matter for adjudication at the trial. Since Respondent Nos.4 to 9 appear to have direct interest in the subject matter of the suit in the capacity of the co-owners thereof, the learned Civil Judge has committed no error in allowing the application for impleadment of the Respondent Nos.4 to 9.

7. So far as the contention of the applicant that the learned Civil Judge

has incorrectly recorded the nature of the suit in the impugned order, it would be suffice to note that the observations in the impugned order shall not influence the learned Civil Judge while deciding further interlocutory application/s and while finally adjudicating the suit.

8. Subject to the aforesaid clarification, the application stands disposed.

(N.J.JAMADAR, J.)