



702-2025

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 702 OF 2025

(Pushpendrakumar Keshrilalji Sharma & Anr. Vs. Mr. Rajendra Onkarprasad Gautam & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. H.R. Gadhia, Counsel for the petitioners.

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CORAM : ANIL L. PANSARE, J.
FEBRUARY 10, 2025

Heard.

2] It appears that respondent no.2 issued notice dated 1/3/2023 to respondent no.1 to remove the unauthorized construction. Thereupon, respondent no.1 filed suit for declaration and permanent injunction against respondent no.2 on 16/3/2023.

3] The petitioners, who have allegedly purchased the suit property on 14/10/2022, i.e., prior to filing suit, upon knowing of pendency of the suit, filed application under Order I Rule 10 of the Code of Civil Procedure, 1908, for impleading them as party to the suit. The trial Court, vide impugned order dated 18/4/2024, refused to add them party on the ground that respondent no.1 has sought relief only against respondent no.2 and, therefore, the presence of petitioners will be not necessary.

4] The contention is that if the petitioners are the owners of the suit property, every order that will be

passed in the suit may cause prejudice to their rights. The petitioners are, therefore, necessary party to the suit.

5] Issue notice to the respondents returnable on 10/3/2025.

6] In the meantime, *ad interim* relief in terms of prayer Clause (B) is granted, which reads thus :

“Pending hearing final disposal of this writ petition, the stay to the proceedings of R.C.S. No. 134/2023, between Rajendra s/o Omkarprasad Gautam and Commissioner AMC be stayed.”

(ANIL L. PANSARE, J.)

Sumit