

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10643 OF 2025**

Vinayak Prabhakar Jadhav

....Petitioner

VERSUS

Ramchandra Rayappa Phulari And Ors

....Respondents

Mr. Mohansinh U. Rajput for the petitioner

Mr. K. K. Sasavade a/w Mr. R. K. Sasavade for respondent no. 1

Mr. A. V. Alange for respondent no. 2

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 5th FEBRUARY 2026.

P.C.

1. By this petition filed under Article 227 of the Constitution of India, the petitioner challenges the order dated 7th April 2025 passed by 6th Civil Judge Senior Division, Solapur below Exhibit 56 in R.C.S. No. 339 of 2022.

2. The brief facts as are necessary to decide the Petition are that, respondent no. 2-Rachana Sarvajani Bandhkam Karmachari Sahakari Grihanirman Sanstha Maryadit, Solapur ('the said society' for short) filed a suit against the petitioner and others for relief of setting aside the sale deed dated 4th April 2007 executed by defendant no. 1 in favour of defendant nos. 2 and 3 and the sale deed dated 18th February 2011 of the suit property executed by defendant nos. 2 and 3 are not binding on the said society. Respondent no. 1 filed an application under Order I Rule 10 of the Code of Civil

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Procedure, 1908 ('CPC' for short) for impleadment in the suit as party defendant claiming that he is member of the plaintiff-society who was allotted western side plot no. 18-D, he is the owner of the suit plot, therefore, he has interest in the said suit plot and therefore, he is necessary party in the suit.

3. The application was strenuously opposed by the petitioner by filing say at Exhibit 69 contending that the applicant is misleading the Court and he is creating complications. The application is filed with an intention to grab the suit property by hook or crook. No evidence is filed in support of the application. Though a receipt of the society is filed by the applicant, plot number is not mentioned in the receipt. Therefore, receipt filed by the applicant is bogus. The allotment letter was given to defendant nos. 2 and 3 alongwith possession letter dated 17th October 2005. Therefore, their name is entered in the tax register of the Municipal Council. No objection was raised at the time of registration of the sale deed dated 4th April 2007. Therefore, prayed for dismissal of the application. The plaintiff-society has not objected to the impleadment of respondent no. 1 to the plaint. The Trial Court has allowed the application.

4. Heard learned advocate for the petitioner, learned advocates for respective respondents and perused the record.

5. The petitioner has questioned the impleadment of respondent no. 1, relying on certain documents issued in his favour by the earlier Chairman of the said society. The record however, indicates that the said Chairman was already removed from the chairmanship of the society, before the documents were executed in favour of the petitioner. Thus, the then Chairman who has executed the possession receipts in favour of the petitioner had no authority to do so. Respondent no. 1 has questioned the title of the predecessor of the petitioner. According to him, the predecessor of the petitioner had no authority in law to transfer the said property in favour of the petitioner. Therefore, according to him, title of the petitioner is defective. Since he claims interest in the suit plot, any orders passed in the suit are likely to affect the interest of the respondent no. 1. The documents placed on record show that on some documents plot no. 18-D is mentioned, whereas on some documents, plot no. 18 is mentioned. Therefore, it is necessary to decide the genuineness of documents filed by both the parties and to decide whether the predecessor of the petitioner had defective title. For that purpose, evidence will have to be led and since respondent no. 1 claims to have interest in the suit plot, he is necessary party.

6. Learned advocate for the petitioner has relied upon the Judgment of Hon'ble Apex Court in the case of *Mumbai International*

Airport Pvt. Ltd. Vs. Regency Convention Centre and Hotels Pvt. Ltd.

*And Ors*ⁱ, wherein the principles applicable for impleadment under Order I Rule 10 of CPC are reiterated. There cannot be a dispute about the said principles. However, in the facts of the present case, since *prima facie* there appears to be interest of respondent no. 1 in the suit plot, he is rightly added as necessary party to the suit.

7. The Trial Court has allowed the application filed by respondent no. 1 by a well reasoned order. No error of law or jurisdictional error is committed by the Trial Court while passing the impugned order. No case is made out by the petitioner to exercise extraordinary writ jurisdiction.

8. Writ Petition, being devoid of merit, is dismissed.

(NITIN B. SURYAWANSHI, J.)

i 2010 AIR (SCW) 4222