

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 506 OF 2007

Sou. Mangal Dilip Malavde.....Petitioner
V/s		
Bhiku Narayan Mirajkar & Ors.....Respondents.

Mr.S.S.Patwardhan, Adv. For the petitioner.

CORAM: A.P.DESHPANDE, J.

31/8/07

PC:

The present petitioner a third party moved an application before the trial Court for impleading her as party defendant in a suit filed way back in the year 1992. Petitioner in the said application claimed that she is daughter of the deceased uncle of the plaintiff by name Balwant. The respondent-plaintiff denied the relationship. The suit filed by the respondent is against the defendant for removal of encroachment and for possession. In the suit petitioner has also sought declaration of ownership against the defendant. The trial Court has rejected the application by holding that ordinarily plaintiff cannot be forced to implead other parties. The Court has also observed that if the petitioner has any right in the suit property it is open for the applicant-petitioner to take out appropriate proceedings. Perused the order. Same does not suffer from any illegality, much less patent warranting interference in writ jurisdiction. Hence writ petition is summarily dismissed.

31.8.07