



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5772 OF 2019

M/s. Bhikamdas Gulabchand & Co.
represented by its present Partners
V/S

....Petitioners

State of Maharashtra & Ors.

....Respondents

**WITH
INTERIM APPLICATION NO.3492 OF 2020
IN
WRIT PETITION NO.5772 OF 2019**

M/s. Bhikamdas Gulabchand & Co.
represented by its present Partners
IN THE MATTER BETWEEN

....Applicants

M/s. Bhikamdas Gulabchand & Co.
represented by its present Partners
V/S

....Petitioners

State of Maharashtra & Ors.

....Respondents

Ms. Dadhichi Mhaispurkar i/b Mr. Manisha R. Bohra *for the Petitioners.*
Mr. Rohit P. Sakhadeo *for Respondent Nos.3 and 4/CIDCO.*
Ms. Sneha Vani i/b Law Counsellors *for Respondent Nos.17, 19 and 20.*
Mr. Indris M. Vohra *for Respondent No.21 and Proprietor of Respondent No.22a to 22c.*
Ms. Anakeeta Verma i/b DSK Legal for Respondent Nos.23 to 28.
Ms. Savina R. Crasto, AGP for Respondent No.1, 4, 5, 6, 8/State.

**CORAM : SANDEEP V. MARNE, J.
DATE : 21 AUGUST 2026.**

P.C.:

1. The Petition challenges order dated 15 November 2017 passed by the learned Civil Judge Senior Division, Panvel, allowing Application at

Exhibit-168 filed by Respondent No.2 for his impleadment under provisions of Order I, Rule 10(2) of the Code of Civil Procedure, 1908 (**the Code**).

2. I have heard the learned counsel appearing for the Petitioner. An appearance was made on behalf of Respondent No.2, who had filed Application at Exhibit-168. However, today none has appeared on behalf of Respondent No.2.

3. It appears that Plaintiff has filed his suit for declaration of title in respect of suit properties. Respondent No.2 claims that an Agreement for Sale was executed in favour of his forefathers on 8 October 1903 and therefore wants an entry into the suit. In his impleadment application itself Respondent No.2 pleaded that he is merely a proper party and not necessary party to the suit. It is well settled principle that Plaintiff is *dominus litis* in respect of his own suit and can decide the parties against whom the Plaintiff wants to claim reliefs. If Respondent No.2 has any right, title or interest in the suit property, he will have to adopt appropriate proceedings for the same. In this regard reliance by the Petitioner on judgment of the Hon'ble Apex Court in ***NAK Engineering Company Pvt. Ltd. vs. Tarun Keshrichand Shah and Others***¹ appears to be apposite. In my view therefore, Respondent No.2 cannot force the Plaintiff to seek relief against him. Respondent No.2 is not a necessary party to the suit.

4. Accordingly, order dated 15 November 2017 is set aside. Writ Petition is **allowed** in above terms.

¹ 2026 SCC OnLine SC 4

5. In view of disposal of the Writ Petition, nothing survives in the Interim Application and the same is also accordingly **disposed of**.

(SANDEEP V. MARNE, J.)