

FARAD CONTINUATION SHEET NO.**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD****WRIT PETITION NO.3573 OF 2013****[Sanjay s/o Vijaykumar Darakh vs. G.T.L. Pvt. Ltd. Co. &
Anr.]**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
	Mr. Shaikh Mujtaba Gulam Mustafa, Advocate for petitioner. Mr. Nikhil S. Jaju, Advocate h/f Mr. A.S. Bajaj, Advocate for Resp. No.1. Mr. S.S. Kazi, Advocate for Resp. No.2. CORAM : S.S. SHINDE, J. DATE : 24TH DECEMBER, 2013 PER COURT : . This petition takes exception to the order dated 18/01/2013 passed by the 13th Joint Civil Judge, Junior Division, Aurangabad in R.C.S. No. 43 of 2013. By the impugned order, respondent No. 2 who is purchaser of the suit premises is allowed to file appeal and also to implead him as party in the proceedings.

2. The Counsel appearing for the petitioner submits that, taking undue advantage of the impugned order, respondent No. 2 is trying to obstruct the petitioner. Not only that, electric supply has been disconnected. It is submitted that, he was not necessary party in the execution proceedings. It is submitted that, though appeal filed by respondent No.2 is pending, no any interim order is passed. Respondent No. 2 taking undue advantage of pendency of the appeal, is threatening the officer for acceding to the prayer of the petitioner to restore electric supply. The Counsel for the petitioner submits that, in view of the provisions of Section 29 of the Maharashtra Rent Control Act, the owner is not necessary party to the proceedings for restoration of the electric supply. Therefore, he submits that, the petition

may be allowed.

3. On the other hand, learned Counsel appearing for respondent No. 2 invited my attention to affidavit in reply. He submits that, he is directly affected party and therefore, the concerned Court has rightly allowed prayer for impleading him as party and filing the appeal.

4. Upon hearing the Counsel appearing for the parties and upon perusal of the reasons recorded by the trial Court, there is no reason for interfering in the impugned judgment and order. It is not in dispute that, respondent No.2 is affected party, in as much as the suit properties are subsequently purchased by respondent No. 2 from original owner.

5. So far grievance of the petitioner about obstruction by the petitioner or

disconnection of electric supply is concerned, the petitioner can take appropriate remedy in this respect. This Court has not expressed any opinion. The writ petition is devoid of any merits, hence rejected.

[S.S. SHINDE, J.]