

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

WRIT PETITION NO.6861 OF 2013

Taufik Abdul Sattar Jamundia

-vs-

Nikhil Chandrakant Mangalpura and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Kunal Nalamwar, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK, J.

DATE : 24.12.2013.

Heard.

By this petition, the petitioner impugns an order of the trial Court, dated 01/10/2013 rejecting an application filed by the petitioner for deletion of his name from the array of defendants.

On hearing the learned counsel for the petitioner and on a perusal of the impugned order, it appears that the trial Court was justified in rejecting the application filed by the petitioner for deletion of his name from the array of defendants. The plaintiff had filed a suit against the petitioner-defendant No.3 and the other defendants for specific performance of contract. Certain other ancillary reliefs were also sought by the plaintiff-respondent No.1. It was the case of the petitioner in the application that he had gifted his share in the suit property in favour of the defendant No.2 by registered gift deed and hence his name may be deleted from the array of defendants. The trial Court rightly held that the execution of a gift deed

by the petitioner during the pendency of the suit could not be a ground for seeking the deletion of his name from the array of defendants. The Court found that the matter was fixed for cross-examination of the plaintiff-respondent No.1 on more than three occasions and instead of cross-examining the plaintiff, the petitioner had filed an application for deletion of his name with a view to prolong the matter. The Court therefore rightly dismissed the application filed by the petitioner.

Since the order is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

KHUNTE