

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

WRIT PETITION NO. 4427 OF 2015

Sushil s/o Rampal Baldawa .. Petitioner

versus

Shivdas s/o Laxman Chavan and ors. .. Respondents

Mr. V. P. Latange, Advocate for petitioner

CORAM : SUNIL P. DESHMUKH, J.
19TH OCTOBER, 2015

ORDER:

1. Heard learned counsel for petitioner. He contends that by virtue of agreement for sale purportedly executed in favour of the petitioner by vendor-original plaintiff in regular civil suit no.206 of 2005, petitioner has earned some interest in the property.

2. The suit bearing regular civil suit no. 206 of 2005 had been filed by the purported vendor against the defendants who were the purchasers of the property from his mother under the sale deeds executed during minority of the plaintiff. The suit had been decreed on 19-07-2011 and it is in appeal, the petitioner had made an application to implead him as a party.

3. Learned judge of the appellate court, in the impugned order 03-03-2015, has referred to that though it is being contended by petitioner herein that he is the prospective vendee of the original plaintiff, this contention has been denied by the plaintiff.

4. The appellate court has referred to that cause of action for present petitioner is distinct and the claim made by him is not relevant to the controversy in the suit, nor his presence is required for complete and effectual disposal of the *lis* involved.

5. Petitioner claims right on the basis of disputed document. Unless such a claim is proved, the petitioner would not get right. The reasons given in the order do not appear to be improper.

6. In the circumstances, no fault can be found with the order impugned.

7. Writ petition is rejected.

SUNIL P. DESHMUKH, J.

pnd