

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10023 OF 2015

Anil Harishankar Agrawal ...PETITIONER

versus

M/s Mohit Pulses and others ...RESPONDENTS

.....
Mr. A.G. Talhar, Advocate for Petitioner
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 7th OCTOBER, 2015

Order :-

1. Heard learned counsel for the petitioner at length.
2. The petitioner-original plaintiff is aggrieved by order dated 29-01-2015 on Exhibit-29, in Special Civil Suit No. 78 of 2013 passed by 2nd joint civil judge, senior division, Jalgaon, whereunder application by present respondent No. 6 for impleading him as party defendant No. 6 in suit, has been allowed.
3. Learned counsel for petitioner contends that the third party had attempted to show concern with suit property though he had not been litigating over the same till date. Whereas, it appears that third party is contending that there is no complete auction and there is no complete payment of auction amount at the behest of respondents No. 1 to 3 original defendants No. 1 to 3 and further that defendants No. 1 to 3 are acting in collusion and avoiding appearance in the case.

4. The court considered above and also referred to that plaintiff's claim for specific performance though not challenged, that interest of third party in suit property may be involved in the present case. In the circumstances, in its discretion, the trial court had considered that for effective and complete adjudication of the proceedings, presence of third party is necessary and as such allowed application Exhibit-29.

5. Having regard to aforesaid, this is not a case wherein indulgence is required of this court in its extra ordinary powers under writ jurisdiction.

6. Writ petition, as such, is not being entertained and stands rejected.

7. Needless to refer to that observations in this order are only for rejection of writ petition and have not for further efficacy and trial court shall not be influenced by the same.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK