

(1)

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

WRIT PETITION NO. 11749 OF 2015

Sudhakar Uttareshwar Patil ..PETITIONER

VERSUS

The State of Mah. & ors. ..RESPONDENTS

Mr S.J. Salunke, Advocate for petitioner;
Mr A.V. Deshmukh, A.G.P. for respondent no.1

CORAM : N.W. SAMBRE, J.
DATE : 11th December, 2015

ORAL ORDER :

In Regular Civil Appeal No.289 of 2012, which was preferred against the decree for dismissal of the suit, an application for adding the petitioner as an appellant - co-plaintiff, came to be rejected by the order impugned, dated 26th October, 2015.

2. Mr Salunke, learned Counsel appearing on behalf of the petitioner would urge that after the partition, the suit property has come to the share of the petitioner and because of the same, original appellant-plaintiff is not pursuing the matter seriously and, therefore, the order impugned is not sustainable, which is without taking into consideration the above referred submissions.

3. In my opinion, the order passed by the lower appellate court rejecting the prayer for impleadment of the petitioner as appellant no.2, is

(2)

just and proper and within the scope of provisions of Order XLIII and Order I of the Code of Civil Procedure.

4. No case for interference is made out. Thus, the petition fails and stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

amj