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IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11301 OF 2014

Shri Shankar Dnyanu Kandle and others ... Petitioners

Vs.

The Secretary

Devasthan Vyavasthapan Samiti and others ... Respondents

Mr.Gajanan M.Savagave, Advocate for Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 08th JUNE, 2015

P.C. :

. Heard Mr.Gajanan M.Savagave, learned Counsel for the petitioners at length.

2. By this petition, original plaintiffs have challenged the judgment and order dated 18/07/2014 passed by the learned trial Judge below Exhibit 19 in Regular Civil Suit No. 335 of 2012. By that order, the learned trial Judge allowed the application made by respondents No. 2 & 3 herein under Order 1 Rule 10 of the Code of Civil Procedure, 1908 for impleading them as defendants.

3. Mr.Savagave strenuously contended that the learned trial Judge committed serious error in allowing the application as respondents No. 2 & 3 have no interest in the disputed property.

4. It is not possible to accept this submission as in view of paragraph 6 of the impugned order, in fact, the petitioners have

sought mandatory order for handing over possession of the property along with respondent No.2. The learned trial Judge further observed that the petitioners are claiming interest in the disputed property along with respondent No.2. I, therefore, do not find that the learned trial Judge committed any error in allowing the application. Hence, no case is made out for invocation of powers under Article 227 of the Constitution of India. In the result, petition fails and the same is dismissed.

(R. G. KETKAR, J.)