

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1629 OF 2015

Rangnath Mohan Pawar

.. Petitioner

Versus

Amar Kantilal Dhotre and another

.. Respondents

Shri. Shriram S. Chaudhary, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 09th MARCH, 2015

PC.

1. The order dated 15.11.2014 passed by the Learned 4th Additional Judge, Small Causes Court & Joint Civil Judge, Senior Division, Pune rejecting the application Exh.30 for impleadment of the third party purchaser as party Defendant to the suit is taken exception by way of the above Petition.

2. The rejection by the Trial Court is on the ground that the third party has filed a suit for specific performance against the Plaintiff and Defendants being Special Civil Suit No.1409 of 2012. The Petitioner/Plaintiff has also filed the instant suit being Special Civil Suit No.1322 of 2011 for declaration and injunction against the Defendants. In my view, having regard to the aforesaid facts where the third party himself has filed a suit against the Plaintiff and the Defendants, the impugned order

rejecting the application Exh.30 filed by the third party seeking his impleadment cannot be found fault with. No case for interference in the Writ Jurisdiction of this Court is therefore made out. The Writ Petition is accordingly dismissed. Needless to say that the contentions on merits are kept open for being urged in the suit.

[R.M. SAVANT, J]