

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2759 OF 2015**

Pamabai Gangadhar Ghodke & Anr

..Petitioners

Vs.

Vanita Sanjay Markad & Anr.

..Respondents

Mr. S. A. Joshi for the Petitioners

CORAM : R. M. SAVANT, J.

DATE : 9th SEPTEMBER, 2015

P.C.

1 The order dated 3-1-2015 passed by the Learned Joint Civil Judge Junior Division, Pandharpur, rejecting the application filed by the Petitioners under Section 47 of the Civil Procedure Code is taken exception to by way of the above Petition.

2 The said application has been rejected on the ground that the Petitioners were not a party to the proceeding in which the decree has been passed and secondly that the Petitioners are not a necessary party.

3 In my view, having regard to the provisions of Section 47 of the Civil Procedure Code, the order passed by the Trial Court rejecting the application on the ground of its maintainability, cannot be found fault with. Hence no case for interference in the Writ Jurisdiction of this Court is made

out. The Writ Petition is accordingly dismissed.

4 However, it would be open for the Petitioners to file an application under Order XXI Rule 97 of the Civil Procedure Code for obstructing the execution of the decree and if any such application is filed, needless to state that the same would be tried on its own merits and in accordance with law and the instant order should not be construed as any expression on merits of the case of the Petition.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed order