

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

WRIT PETITION NO.482 OF 2015

Nandu Dnyanu Dhobale : Petitioner.
Versus
Subhadra Govind Vibhute
since deceased through LRs
Gopal Govind Vibhute and Anr. : Respondents.

Mr. R M Momin for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 13th February 2015

P.C.

1 The writ jurisdiction of this court is invoked against the order dated 14/11/2014 passed by the learned Civil Judge, Junior Division, Miraj by which order the Application Exhibit 170 filed by the Petitioner seeking his impleadment in Regular Civil Suit No.254 of 2005 came to be dismissed.

2 The Petitioner in his capacity as Power of Attorney Holder of one Subhadra and her brother Krishna has executed a sale deed in favour of the Defendant No.8. The said Subhadra had filed the suit in question for partition and separate possession. It seems that the said Subhadra has expired. The Trial Court on the ground that the Applicant i.e. the Petitioner herein has no connection with the suit as he has already executed the sale deed in favour of the Defendant No.8 pursuant to the Power of Attorney of the Plaintiff Subhadra and her brother held that the presence of the Applicant/Petitioner is not

necessary for the adjudication of the suit.

3 In my view, having regard to the principles which are to be taken into consideration whilst considering an Application under Order I Rule 10 of the Code of Civil Procedure no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]