

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2765/2014

Rajesh s/o Bhagwat Awachar and another

..Versus..

Sau. Rukhmina W/o Fakira Pandit and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 17.8.2015

Heard Shri A.D. Girdekar, learned advocate for the petitioners and Shri N.G. Jetha, learned advocate for the respondent no.4.

The petition is dismissed against respondents 2, 3, 9 and 10 for not serving them in spite of repeated opportunities granted to the petitioners.

The respondent no.1/plaintiff has filed civil suit praying for decree for partition and separate possession against the respondents 2 to 10. The respondent no.1/plaintiff filed application (Exh. No.23) under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure seeking permission to implead the present petitioners as the defendants 10 and 11 as they have purchased some property out of the suit property, during the pendency of the civil suit. The learned trial Judge, by the impugned order, has allowed the application (Exh.

No.23). The petitioners being aggrieved by the order passed by the learned trial Judge, have filed this writ petition.

Learned advocate for the petitioners has not been able to point out any illegality or perversity in the impugned order. It cannot be said that the learned trial Judge has committed any error of jurisdiction. I do not see any reason to interfere with the impugned order. The writ petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.