

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

WRIT PETITION NO.2364/2013

Umakant s/o Maskuji Burungule through L.Rs.

..Versus..

Eknath Vishnu Lanjudkar (Dead) through L.Rs. 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 : 13.7.2015

Heard Shri R.G. Kavimandan, the learned advocate for the petitioners and Shri N.R. Saboo, the learned advocate for respondents 8 to 26.

The learned advocate for the petitioners seeks time to file appropriate application for setting aside the order passed by the learned Registrar (Judicial) pursuant to which the petition is dismissed against respondents 1(1) to (1)5, 2, 21 and 25 and for restoration of the petition against these respondents. The petition is of 2013 and the suit is of 2000. Considering these facts, I have examined the merits of the matter.

The original defendant no.1 filed this petition challenging the order passed by the learned trial Judge allowing the application (Exh. No.158) filed by the original plaintiff under Order 1 rule 10 of the Code of Civil Procedure seeking impleadment of some parties. During the pendency of this petition, the petitioner died and his legal representatives are brought on the record.

The original plaintiff has sought impleadment of some parties contending that they are in possession of the suit property pursuant to some agreements and / or sale deeds. The learned trial Judge has considered the averments of the respective parties in paragraph no.5 of the impugned order and after examining the law as recorded in paragraph no.6 of the impugned order, has allowed the application. The main submission of the petitioners is that the persons sought to be impleaded are neither necessary nor proper parties and their impleadment will delay the disposal of the suit.

Apart from the fact that the impugned order does not suffer from any patent irregularity or illegality which necessitates the interference by this Court in the extraordinary

jurisdiction, I find that the petitioners cannot be said to be prejudiced by the impugned order. The petitioners claim to be in possession of the suit property. The original plaintiff has filed civil suit praying for decree for declaration and possession. In these facts, I am not inclined to interfere with the impugned order. The writ petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.