

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

WRIT PETITION NO.4954 OF 2014

Gayabai Ramkishan Thombre

-vs-

Jyoti W/o Dattatray Thombre & Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S.V. Sirpurkar, Advocate for petitioner.

CORAM : A.S.CHANDURKAR, J.

DATE : JUNE 19, 2015

The present petitioner is aggrieved by rejection of the application moved by her for being impleaded as a defendant in R.C.S. No.27 of 2011. Said suit has been filed by the present respondent No.1 for a declaration that respondent No.2 should be restrained from alienating and/or creating any third party right in the suit property being a plot admeasuring 760 sq.ft. According to the petitioner, she has filed a separate suit for declaration of her ownership in respect of the same plot on the basis of a sale-deed and hence it is necessary for her to be impleaded in previous suit.

Considering the relief that is sought by respondent no.1 in the suit filed by her which relief is sought only against respondent No.2, it is clear that presence of the present petitioner is not at all warranted in those proceedings. Moreover, the petitioner has already filed R.C.S.No.103 of 2012 seeking declaration of her title. As she has already approached the civil Court seeking

appropriate relief, her presence in the earlier suit has rightly been found not necessary by the Trial Court. Hence there is no reason to interfere with the impugned order. Writ petition is therefore dismissed. No order as to costs.

JUDGE