

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

Writ Petition No.6137 of 2015

(Nirmalabai Ingole [dead], through L.Rs.
 vs.
 Narendra Sahdeorao Gajbe)

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

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Court's or Judge's Orders

CORAM : A.S. CHANDURKAR, J.
DATE : NOVEMBER 21, 2015.

Heard Smt. S.W. Deshpande, the learned Counsel for
 the petitioners.

The petitioners are aggrieved by the order dated
 09/09/2014 passed by the trial court rejecting the application
 for addition of a party.

The suit for declaration and cancellation of sale-
 deed, dated 08/04/2002 was filed in the year 2003. On
 01/04/2014, when the case was fixed for evidence of the
 defendant, the plaintiff moved application below Exh.90 seeking
 to add a party. The trial court rejected the application on the
 ground that same was moved at a late stage and there was no
 justification for the same.

Smt. Deshpande, the learned Counsel for the
 petitioners submitted that presence of said party was necessary
 as it was the case of the plaintiff that the defendant was

indulging in money lending transactions and the party, who proposed to be added, had provided funds.

Perusal of application below Exh.90 does not indicate the date when the plaintiff got knowledge about involvement of the party proposed to be added. Suit was filed in the year 2003 and, therefore, the trial court was justified in observing that the application was moved at a late stage. Moreover, presence of party proposed to be added does not appear to be necessary and it is always open for the plaintiff to bring on record necessary evidence with regard to money lending transactions. Hence, there is no reason to interfere in the writ petition. The same is, therefore, dismissed. No costs.

JUDGE

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