

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO. 8554 OF 2016
WITH WP/7705/2016

JAMUNABAI DHONDU PARDESHI
VERSUS
KAMALBAI BIRDICHAND KOTHARI AND OTHERS

Smt. Manjusha S. Jagtap, Advocate, for petitioner.

CORAM: T.V. NALAWADE, J.

DATE : 22 SEPTEMBER 2016

ORDER:

1) The first proceeding is filed to challenge the order made on Exhibit 76 in Regular Civil Suit No.73/2007 which is pending in the Court of the Civil Judge Junior Division, Chalisgaon. The said application was filed by the present petitioner, plaintiff for amendment of the plaint. The suit is filed by the present petitioner for setting aside the transaction made by her husband of the year 1976 of sale of the suit property. It is contended that at the relevant time she and her issues were not living with the deceased husband of the plaintiff and during that time only to satisfy bad vices the husband of the petitioner sold

the property. Only on that ground the sale deed executed in the year 1976 is sought to be set aside. The suit is filed in the year 2007, after 30 years. Further it is not the contention of the plaintiff that the suit property was the ancestral property of her deceased husband. Further the issues of the deceased husband are not party to the suit. By the amendment the plaintiff wanted to add that deceased husband was addicted to liquor and probably the sale deed was got executed from him when he was under influence of liquor. These additional contentions would not make any difference in view of the aforesaid contentions already made in the plaint and that will not change the fate of the matter.

2) The other proceeding is filed to challenge the order made on Exhibit 80 which was filed by the plaintiff to add the purchasers from the defendants. It is contended that the purchasers purchased the property from the original defendant in the year 2007 and so they need to be made party defendants. For the reason already given this Court holds that addition of the parties will be unnecessary harassment to the new purchasers. Both the

applications are misconceived and nothing can be achieved by allowing the applications. Only the things will be protracted and the new party will be harassed. So, both the petitions are dismissed.

Sd/-
(T.V. NALAWADE, J.)

rsl