

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2766/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Gangadhar J. Sabnis for the petitioner
Mr. P. J. Thorat for the respondent Nos.3 to 5.

CORAM : K. K. TATED, J.
DATE : JUNE 8, 2016

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner plaintiff challenges the order dated 16.07.2013 passed by the Civil Judge, Senior Division, Sindhudurg at Oros below Exhibit- 48 in Regular Darkhast No.4/2013 dismissing the same on the ground of maintainability.

2. In the present proceedings, the petitioner plaintiff filed Regular Darkhast No.4/2013 wherein the Executing Court framed preliminary issue "whether this execution petition is tenable in the present form?"

3. The Trial Court held that the petitioner plaintiff is seeking an order against a third person,

who was not made as a party either in the plaint or in the appeal. Hence, the darkhast was not maintainable.

4. Considering the reasons given by the Trial Court in paragraph 16 of the impugned order, I do not find any reason to interfere with the well reasoned order passed by the Trial Court. Hence, the Writ Petition stands dismissed. No order as to costs.

JUDGE