

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

WRIT PETITION NO.5725/2013

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. Vivek Salunkhe for the petitioner
Mr. Neel Pungalia for the respondent Nos.4, 5, 7 and 8.

CORAM : K. K. TATED, J.

DATE : JUNE 16, 2016

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India, the petitioner third party challenges order dated 10.01.2013 passed by the 5th Jt. Civil Judge, Senior Division, Nasik below exhibit 215 in special civil suit No. 470/1997 rejecting the petitioner's application for joining him as party defendant in the suit.

2. It is the case of the petitioner that the petitioner agreed to purchase the share of Sou.Sundarabai Shivprasad Jaiswal i.e. deceased defendant No.4 by agreement for sale dated 24.06.2000. Hence, the petitioner made an application for joining her as a party defendant in the suit filed by the plaintiff. The plaintiff filed the

suit for specific performance of agreement. The trial court, at the time of rejecting the application made by the petitioner held that the petitioner can file a separate suit for specific performance of agreement. He cannot ask any relief in the suit filed by the plaintiff for specific performance of agreement for sale. There is no dispute that the petitioner has an independent right to file a separate suit for specific performance of agreement.

3. Considering these facts and the reasons given by the trial court, I do not find any substance in the petition. Same stands rejected.

JUDGE