

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

CIVIL REVISION APPLICATION NO.271/2016

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. Virendra Deshmukh for the applicant

CORAM : K. K. TATED, J.
DATE : JUNE 24, 2016

P.C.:

1. Heard. The Civil Revision Application is made by third party to the Special Civil Suit No. 488/2007 challenging the order dated 09.09.2015 passed by the 3rd Jt. Civil Judge, Junior Division Thane below Exhibit- 65 rejecting their application as per Order I Rule 10 of the Code of Civil Procedure, 1908 for joining them as party.

2. In the present proceedings, initially, one Shankar Laxman Shinge and Smt. Prabhavati Jagdish Patil filed Regular Civil Suit No.488/2007 in the court of Civil Judge, Senior Division Thane for declaration that they are owner of land bearing old Sy. No.205, H.No.1, New Sy.No.1 H.No.1 within the limits of Thane Municipal Corporation, Thane.

3. In that suit the name of Mr. Shankar Laxman Shinge deleted by order dated 23.06.2009. Thereafter the plaintiff No.1 Smt. Prabhavati Jagdish Patil filed application for withdrawal of the suit which was allowed by the Trial Court on 09.09.2015. On the same day, the applicant also made an application below Exhibit- 65 under Order I Rule 10 of the Code of Civil Procedure, 1908 for joining them as party plaintiff in the suit. The said application was made without vakalatnama and/or party in person. Hence, the Trial Court rejected their application. It is to be noted that in the present proceedings, the sole plaintiff withdrew the suit. Hence, there is no question of allowing the applicant to join in the said suit as plaintiff. The Trial Court has rightly rejected the application made by the applicant on 09.09.2015.

4. Considering these facts, I do not find any substance in the Civil Revision Application. Same stands rejected.

JUDGE