

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

CAW NO.701/2016 IN WRIT PETITION NO.4453/2014
[Vijay Gajanan Chande and others .vs. Bank of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 26, 2016.

None for the applicants-petitioners.

We have perused the contents of the proposed amendment. We have also perused the prayers made in the writ petition. The prayers in the petition pertain only to the refund of 25% of the sale price and the forfeiture thereof by the respondent no.4. In a writ petition with such prayers, the borrower cannot be a necessary party. Also, the claim of recovery of amount sought towards stamp duty, registration charges, Advocate fees, other expenses, mutation expenses, construction of compound, gate, purchase of lock cannot be considered in exercise of the writ jurisdiction. The applicants are free to take up appropriate proceedings for seeking the recovery of the aforesaid amount, if so desired. We find that the proposed amendment changes the nature of the petition and the borrower would not be a necessary party to the petition in which the applicants have sought a direction against the Bank for refund of ¼th of the sale consideration. Hence, we reject the prayer made in the amendment application.

The Civil Application stands disposed of accordingly.

JUDGE

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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