

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

Writ Petition No.6851 of 2014

(Sau. Sarla Suresh Atram and others v. M/s. Sweet Home Constructions,
through its Proprietors Rajendra s/o Manoharrao Joshi and another)

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

Shri A.C. Wasnik, Advocate for Petitioners.
Shri B.N. Mohta, Advocate for Respondent No.1(1).
Shri Mustafa Abbasi, Advocate for Respondent No.2.

Coram : R.K. Deshpande, J.

Date : 15th February, 2016

Heard the learned counsels appearing for the parties.

The Trial Court has reviewed its own order of allowing the application and permitting the intervener to intervene in the matter. The reasons stated in the order holding that there was an error apparent on the face of the record in passing an order allowing the application under Order I, Rule 10 of the Code of Civil Procedure are contained in para 9, the portion of which is reproduced below :

“9. ... In the case in hand, however, cause of action against defendant and cause of action against the activities of either Nagpur Improvement Trust or another independent plot holder concerned are altogether different

and there is no liaison with each other more particularly when defendant is feeling himself to be having cause of action against Nagpur Improvement Trust and independent plot holder. Therefore joining Nagpur Improvement Trust as well as another independent plot holders with whom plaintiff has no concern, more particularly, whom this contractual obligation has no concern, would amount to mis-joinder of parties as well as mis-joinder of causes of action. This aspect does not appear to have been considered by my learned predecessor, more so, when it was brought to his notice analogously by various citations which have not been dealt with by my learned predecessor.”

In view of above, I do not find any reason to interfere in the order impugned.

The petition is dismissed.

Judge.

Lanjewar