

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8569 OF 2014

Mr. Manikchand U. Munot .. Petitioner.
v/s.
Mr. Sunil B. Kamble & Others .. Respondents.

Mr. S. G. Surana, for the Petitioner.
Mr. Rajaram Deshmukh, for Respondent No.1.

CORAM: M.S.SANKLECHA, J.
DATE : 13th SEPTEMBER, 2017.

P.C:-

This Petition under Article 227 of the Constitution of India, challenges the order dated 1st April, 2014 passed by the 20th Joint Civil Judge, Junior Division, Pune in Regular Darkhast No.941 of 2012. By the impugned order, the application of Respondent No.1 i.e. third party-obstructionist, seeking to add himself and the following five parties as obstructionist, was allowed:-

- (i) Mrs. Chandrabhaga G. Jamdade,
- (ii) The Cosmos Bank Ltd.,
- (iii) Mr. Vilas S. Mate,
- (iv) Mr. Unmesh Mate and
- (v) Mr. Sunil Kamble.

2 On 19th August, 2015 when notice was issued for admission, the parties were informed that the Petition is likely to be disposed of at the stage of admission.

3 The learned Counsel for both the parties are agreed that the addition of the aforesaid five persons as third party-obstructionists on the application of Respondent No.1 is not justified. This is because one of these five persons have themselves resisted/obstructed the Execution Proceedings. Moreover, the Counsel are agreed that the Respondents will be entitled to call these five persons as their witnesses in the Execution Proceedings.

4 In the above view, the impugned order dated 1st April, 2014 is modified and addition of the parties as Nos. (i) to (v) mentioned herein above as parties to the Execution Proceedings, is deleted. Respondent Nos.1 to 3 would alone continue as third party-obstructionist in the Execution Proceedings and entitled to call the above parties at Nos.(i) to (iv) above as witnesses in Execution Proceedings.

5 **Petition disposed of** in the above terms. No order as to costs.

(M.S.SANKLECHA,J.)