

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13184 OF 2016**

Meena Dattatraya Salokhe

..Petitioner

Vs.

Dattatraya Pandurang Salokhe

..Respondent

Mr. S. S. Koregave for the Petitioner

**CORAM : R. M. SAVANT, J.
DATE : 3rd FEBRUARY, 2017**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 30-6-2016 passed by the Learned Principal Judge of the Family Court. By the said order, the applications Exhibit 57 and 71 filed by the Petitioner are rejected. The said applications have been filed under Order I Rule 10(2) of the Civil Procedure Code to join one Vishwakarma Builders and Developers as parties to the proceedings, and under Order VI Rule 17 to incorporate averments in respect of the said sale effected by the Respondent husband in favour of the said Vishwakarma Builders and Developers.

2 The factum of the sale in favour of the said Vishwakarma Builders and Developers was stated by the Respondent in his written statement filed in the year 2014 and it was stated that the said sale was by a registered Sale Deed. However, the amendment sought was on 22-12-2015. The Trial Court

having regard to the fact that the Respondent husband has other properties than the said property which was sold to Vishwakarma Builders and Developers and also considering the fact that the said Vishwakarma Builders and Developers have nothing to do with the dispute interse between the Petitioner and her husband held that the said Vishwakarma Builders and Developers were not necessary parties to the Petition.

3 It is required to be noted that the Petitioner seeks to apply for laying a charge on the said properties in respect of the amount that would be granted to the Petitioner as and by way of maintenance. It is in the said context that the Trial Court has observed that there are other properties of the Respondent which can be proceeded with in the event the amount granted to the Petitioner is required to be secured. In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]