

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO.32023 OF 2016

M/s. Lunkad Realty & anr. .Petitioners

Vs.

Smt. Sindhubai Murlidhar Devkar & ors. .Respondents

Mr.R.D.Soni i/b. M/s. Ram & Co., Advocate, for the Petitioners

CORAM : R.G.KETKAR, J.

DATE : 07.03.2017

P.C.

. Heard Mr. Soni, learned counsel for the Petitioners.

2. By this Petition under Article 227 of the constitution of India, the Petitioner has challenged the Judgment and Order dated 16.08.2016 passed by the learned 20th Civil Judge (S. D.), Pune below Exh.698 in R.C.S.No.332 of 1982. By the impugned order, the learned trial Judge rejected the Application made by the Petitioner under Order 1, Rule 10(2) of the Code of Civil Procedure, 1908 (For short “CPC”) for his impleadment in the suit.

3. Mr. Soni has tendered a photocopy of the Judgment and

Order dated 27.01.2017 passed by the learned 19th Jt. C.J.J.D., Pune. A copy of the order is taken on record and marked as “X” for identification. By that Order, the learned trial Judge decreed the suit.

4. Mr. Soni submitted that as the suit itself is disposed of, the Petitioner will file an Appeal challenging the decree and will also take out a separate Application for leave to file an Appeal.

5. In view thereof, Petition is disposed of as infructuous with liberty to the Petitioner to file an Appeal challenging the decree passed by the learned trial Judge along with an Application for leave to file an Appeal. Grant of liberty shall not be construed as an expression of merits either way. All the contentions in that regard are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)