

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 15 OF 2018

SHAIKH DAWOOD SHAIKH AMEER
VERSUS
SHAIKH YASEEN SHAIKH AHMED AND OTHERS

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Advocate for Petitioner : Mr. Katneshwarkar S. P.

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CORAM : V. K. JADHAV, J.
DATED : 08th JUNE, 2018

PER COURT:-

1. Heard.

2. I find no substance in this Writ Petition. The respondent no.1/plaintiff has specifically pleaded in para 7A of the plaint to the effect that the father of defendant no.12, by playing fraud, got mutated his name to the suit property. It has also been specifically pleaded that subsequently, defendant no.12 by playing fraud and only in order to deprive the plaintiff of his lawful rights, alienated the suit property to defendant nos. 10 and 11 by sale deed bearing no. 2767/2012 and 3120/2014 with correction deeds. The said transaction is fraudulent transfer and

made only in order to defeat and deprive the plaintiff of his lawful rights. In the light of the aforesaid pleadings, the respondent/plaintiff has filed an application-exhibit 68 for addition of parties under Order I Rule 10 of the Code of Civil Procedure for impleading the father of defendant no. 12 as a party to the suit. In the light of the aforesaid pleadings, the father of defendant no.12 i.e. Shaikh Dawood Shaikh Ameer is a necessary party. I do not find any fault in the impugned order passed by the trial court. The Writ Petition is accordingly dismissed. No costs.

(V. K. JADHAV, J.)

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