

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO. 11703 OF 2015

NILESH MORESHWAR DESAI
VERSUS
BALIRAM UKHARDU BADGUJAR AND OTHERS

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Advocate for Petitioner : Mr. Bhokarikar Madhav M
Advocate for Respondents : Mr. Harshal P. Randhir h/f
Mr. Vinod P. Patil

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CORAM : V. K. JADHAV, J.
DATED : 19th MARCH, 2018

PER COURT:-

1. It appears that the cause for filing the present Writ Petition has been rendered infructuous since the trial court has disposed of the suit during pendency of this Writ Petition. The petitioner has filed an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908, for impleading him as a party defendant in the suit. The trial court has disposed of the suit and the aggrieved party in the suit has already preferred an appeal before the District Court, Amalner. The learned counsel for the petitioner seeks liberty to file a similar application in the pending appeal.

2. In fact, no such liberty is required and the third party may file an application in the appeal which is in continuation of the suit and it is for the said appellate court to consider such application, if filed, on its own merits. With these observations, the Writ Petition is disposed of as infructuous. No costs.

(V. K. JADHAV, J.)

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