

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 WRIT PETITION NO. 369 OF 2017

SUNIL AMBADAS TAMBE
VERSUS
ISMILE BABUBHAI SHAIKH AND OTHERS

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Advocate for the Petitioner : Mr. S.V. Mundhe

CORAM : S.V.GANGAPURWALA, J.

DATE : AUGUST 14, 2018

O R D E R :

Mr. Mundhe, learned counsel for the petitioner submits that the court below has erroneously rejected the application of the petitioner for impleading him as party.

2. The petitioner has also filed separate civil suit for specific performance of contract against the same defendant. In the present suit, wherein the petitioner sought impleadment is also for specific performance against the same defendant and the petitioner is the necessary party in the suit.

3. In both suits separate agreements seeking specific performance of contract are relied upon.

4. Considering the above, I do not find any error in the impugned order. However, the petitioner may apply for trial of both suits simultaneously. If such application is filed, the court shall consider the said application on its own merits.

5. Writ Petition is disposed of. No costs.

[S.V.GANGAPURWALA, J.]

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