

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6823 OF 2017

SHAIKH NAWAB SHAIKH HAIDAR PATEL
VERSUS
SAKHUBAI TRIMBAK JADHAV AND OTHERS

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Advocate for Petitioner : Mr. Deshpande Milind K

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CORAM : V. K. JADHAV, J.
DATED : 16th JANUARY, 2018

PER COURT:-

1. Heard.
2. I find no substance in this writ petition. The petitioner being third party filed an application Exh.36 in Special Civil Suit No. 180 of 2014 to add him as party defendant in the suit. The learned 5th Joint C.J.S.D. Aurangabad by impugned order dated 7.12.2016 passed below Exh.36 rejected the said application. Hence, this writ petition.
3. Learned counsel for the petitioner submits that the petitioner is owner in possession of plot C-1 Part admeasuring 20x30 ft. in C.T.S. No. 15304, situated at Hanuman Nagar, Garkheda, Aurangabad. The petitioner had purchased the said property from one Gangadhar Gaikwad under registered sale deed dated 24.02.1987. The said Gangadhar Gaikwad used to sale the plots. The said Gangadhar Gaikwad is defendant No.3 in the present suit and he also sold the

plots to defendant Nos. 1 and 2 in the suit. Even the petitioner has also filed a complaint against the plaintiffs and some defendants with the concerned police station about his grievance. Learned counsel submits that the petitioner is having interest so far as the plot purchased by him is concerned, and as such he is required to be impleaded as party defendant in the suit.

4. On perusal of impugned order passed by the trial court, it appears that though the plot purchased by the petitioner is from same CTS number, nothing can be gathered from the sale deed placed on record to indicate the nexus of the suit property with the petitioner's property. Even the trial court has observed that on perusal of map of Gat no. 15304 it appears that it is a large Gat number and having many lay outs and many parts. *Prima facie*, the petitioner has failed to show that his property is concerned with the suit property.

5. In view of above observations, I find that the trial court has rightly rejected the application Exh.36. No interference is required. Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

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