

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 918 OF 2016

SURESH D. CHODANKAR AND ANR., ... Petitioners

Versus

KRISHNA M. PEDNEKAR AND 5 ORS., ... Respondents

Shri Gaurish N. Agni, Advocate for the Petitioners.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 30th October 2018

P.C.

Learned Counsel appearing for the petitioners invited attention to the pleadings in the plaint, the reliefs claimed therein and the application for intervention filed by the intervenor who was apparently not a party to the suit filed by him.

2. None appeared on behalf of the respondents despite due service and opportunity granted to them. A perusal of the pleadings with the order under challenge would indicate that the Trial Court was waylaid to assume that the reference to the intervenor as a goonda was a serious issue and that he was required to be added as a party to the pleadings and that no relief was claimed against the said person seeking to implead himself as an intervenor in the proceedings. The import of Order I Rule 10 of the Civil Procedure Code was completely lost on the Trial

Court and therefore the order cannot be sustained.

3. In view thereof, the impugned order is quashed and set aside.

The respondent no.6/defendant no.6 shall be deleted from the proceedings.

4. Petition stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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