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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 423 OF 2018

Akshay A Darekar	...	Petitioner
V/s.		
Bhagwat Eknath Darekar and ors	...	Respondents

Mr.Bhushan V. Deshmukh, for the
Petitioner.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 18th JANUARY, 2018.

P.C. :

- 1] Heard learned counsel for the petitioner.
- 2] By this petition filed under Article 227 of the Constitution of India, the petitioner is challenging the order dated 9.11.2017, passed by Joint Civil Judge Senior Division, Niphad, below Exh.26, in R.C.S. No.85 of 2014.
- 3] The application at Exh.26 was filed by the petitioner for adding him as party defendant. It was his case that his grand-father Bala Darekar has made a deed styled as, "Vyavastha Patra" on 29.10.2015. By the said deed, grand-father has given agricultural land bearing Gat No.43/1 (1H 25R), which is suit property to him and therefore, on account of the death of his grand father, his

impleadment in the suit has become necessary.

4] However, as rightly held by the trial Court, on the basis of some Vyavastha patra, (arrangement deed) the petitioner cannot claim any right, title or interest in the suit property. This document is neither a Conveyance Deed nor Gift Deed or Sale Deed. The trial Court has rightly observed that on the basis of such document the Karta of the family can make family arrangement, but cannot vest any right, title or interest in the property.

5] Thus, the impugned order passed by the trial Court being just, legal and correct, no interference is warranted in the sme. The writ petition stands dismissed.

6] On the request of learned counsel for the petitioner, it is clarified that the petitioner is having liberty to file separate suit in accordance with law.

[DR.SHALINI PHANSALKAR-JOSHI, J.]