

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

951 WRIT PETITION NO.15049 OF 2019

VISHAL VASANTRAO SALUNKE
VERSUS
LAXMIBAI BABU SATHE AND OTHERS

...
Advocate for Petitioner : Shri Patil G.V.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: December 13, 2019

...
PER COURT :-

1. The petitioner / original plaintiff is aggrieved by the order dated 8.7.2019, passed by the trial Court, by which, the application Exhibit 72 seeking addition of the third parties in a suit for perpetual injunction in Civil Suit No.267 of 2010, has been rejected.

2. The grievance of the plaintiff is that in a suit for seeking perpetual injunction against nine respondents, who were disturbing the plaintiff, some of the defendants sold the land to ten persons. Hence, a request was made to add the said persons as defendants 10 to 19.

3. The learned Advocate for the petitioner has strenuously criticized the impugned order by relying upon the 12 grounds formulated in the memo of the petition.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2- WRIT PETITION NO.15049 OF 2019

4. It calls for no debate that the plaintiff has filed a suit on account of disturbance caused to him by nine defendants. Merely because some of the defendants may have sold the suit land to third parties, would not necessitate the addition of such party for the following reasons:-

(a) There are no pleadings before the trial Court that the plaintiff's property has been sold by the defendants.

(b) It is not the case of the plaintiff, going by the pleadings, that these ten purchasers are disturbing his possession.

(c) If the defendants have sold their own lands to the third parties, it would not be necessary to add such third parties unless the plaintiff has a specific grievance raised.

5. Considering the above, this petition being devoid of merits, stand dismissed.

(RAVINDRA V. GHUGE, J.)

...