

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

WRIT PETITION NO.15089 OF 2019

VIJAY LAKSHMAN BHOSTE AND OTHERS
VERSUS
TANAJI DILIP PALVE AND OTHERS

...
Advocate for the Petitioners : Shri Deshpande Chaitanya C.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th December, 2019

Per Court:

1 The petitioners are the third parties, who are aggrieved by the order dated 15.10.2019 passed by the Trial Court by which, the application exhibit 89 filed in RCS No.1001/2011 seeking addition as co-plaintiffs under Order I Rule 10 of the Code of Civil Procedure, has been rejected.

2 I have considered the strenuous submissions of Shri Deshpande, learned advocate for the petitioners. He has drawn my attention to the ten grounds formulated in the memo of the petition and submits that since the petitioners have purchased a portion of the suit property, they have developed an interest in the pending suit and hence, should be allowed to be arrayed as co-plaintiffs.

3 I find that it was brought to the notice of the Trial Court that

though the suit was pending, plaintiff no.2, who is a lawyer by profession, entered into a sale transaction with these petitioners with regard to the same suit property, which was the subject matter of the suit filed for perpetual injunction. He mentioned in the sale deed that there is no litigation pending before any court in respect of the suit property. With such suppression of material information, he executed the sale deed with these petitioners.

4 The learned advocate for the petitioners submits that they were lured into the said transaction by stating that the suit property has a clear title and there is no litigation pending.

5 I find that the Trial Court has rightly rejected exhibits 87 and 89, which are two applications filed by the plaintiffs as well as the third parties for addition. The Trial Court has imposed costs of Rs.10,000/- on account of the suppression of material information and it is informed that the plaintiffs have deposited the said amount.

6 Considering the above, I do not find that the impugned order could be termed as being perverse or erroneous. This Writ Petition, being devoid of merit is, therefore, dismissed.

7 The learned advocate for the petitioners submits, on instructions, that the petitioners desire to initiate steps in view of the above, as they have been deprived of money and at the same time, have not received the fruits of the said transaction.

8 Needless to state, the petitioners would always be at liberty to avail of the remedy as is permissible in law.

kps

(RAVINDRA V. GHUGE, J.)