

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.587 OF 2019

Javed Altaf Shaikh

Petitioners

Versus

Bhausahab Mohan Khomane & others

Respondents

Mr.S.N.Suryawanshi, Advocate i/by Mr.M.S.Kulkarni,, Advocate for
the petitioners.

CORAM : Ravindra V.Ghuge, J.

DATE : 02/07/2019

PER COURT :

1 The petitioners are aggrieved by the order dated 08.11.2017 passed by the trial Court thereby allowing application Exhibit-27 permitting addition of parties in Special Civil Suit No.116/2017.

2 Shri Suryawanshi, learned Counsel for the petitioners, has strenuously criticised the impugned order. His contention is that though the petitioners have sold the property to the proposed defendants, this was not a secret and the original plaintiff was aware

of the said sale transaction when the Special Civil Suit was filed. While seeking addition of parties, the plaintiff ought to have explained as to what was the circumstance which precluded him from adding the subsequent purchasers as defendants in the said suit. Due diligence has not been shown and as such, the trial Court should have rejected Exhibit-27.

3 I find from the record that as the suit was lodged on 28.07.2017, the defendants entered their written statement on 12.09.2017. Since the plaintiff got the knowledge of the sale transaction and details of the parties to whom this petitioner has sold a portion of the suit property, he filed application Exhibit-27 and by the impugned order dated 08.11.2017, the said application was allowed.

4 I do not find that the impugned order could be termed as being perverse or erroneous or likely to cause gross injustice to the petitioner. There is a possibility that the petitioner, as a defendant in the suit, must have lost interest in defending that portion of the property, which has been sold to the proposed defendants. The suit is at a pre-trial stage. If the subsequent purchasers get an opportunity to defend their rights in the suit, the said suit would be better adjudicated upon.

5 In view of the above, this petition, being devoid of merits,
stands dismissed.

(Ravindra V.Ghuge, J.)

adb