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

WRIT PETITION (ST) NO. 24422 OF 2019

Jaylaxmi Umesh Pawar

.....Petitioner

V/s.

Snehal Shivaji Patil and others

.....Respondents

Ms. Tanvi G. Tapkire for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE : OCTOBER 11, 2019.

P.C.

Heard. In Appeal no. 238 of 2011 which was pending on the file of Ad-hoc District Judge, Sangli, an application came to be moved by the petitioner seeking impleadment under Order I Rule 10 of the Code of Civil Procedure, 1908 which is rejected by the order impugned.

2 The submissions are, petitioner holds equal interest as like that of parties to the said appeal. Having regard to relationship between the parties to the Appeal with petitioner, application Exhibit 26 ought to have been granted.

3 If the said submissions are appreciated in the backdrop of the fact that petitioner was not party to the original suit proceedings, there lies remedy under Section 96 of the Code of Civil Procedure, 1908. An appeal can be preferred by party who was not impleaded in the original proceedings but is aggrieved by the Judgment and Decree. In the wake of above, in my opinion, no interference is warranted in the order impugned. Petition stands dismissed.

4 Needless to clarify that it shall be open for the petitioner to prefer an Appeal against Decree which is subject matter of challenge in the proceedings referred above.

5 Needless to clarify that time spent by the petitioner in pursuing proceedings under Order I Rule 10 before the First Appellate Court so also this Court be considered, in case of dealing of issue of limitation.

[NITIN W. SAMBRE, J.]