

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13505 OF 2017

Mrs.Harsha Bansilal Pandit and anr.	.. Petitioners
Vs.	
Sagar Vasant Bhaygude	.. Respondent

Mr.Chaitanya Nikte a/w Ms.Sneha Bhange, for the Petitioners.
None for the Respondent.

CORAM : M.S.KARNIK, J.

DATE : 30th AUGUST, 2019

P.C. :

- . Not on board. Taken on board.
2. Heard learned Counsel for the petitioners.
3. The order under challenge in this Petition is passed below Exhibit 48 in Special Civil Suit No. 1367 of 2015 rejecting the application made by the plaintiffs for adding Apoorva Gopi Dhawarshetti and Gopi Venkat Dhawarshetti as party

defendants. It is the contention of the plaintiffs that the possession of the suit property was delivered by the defendants to the above named persons who are proposed to be added as party defendants. The trial Court rejected the application on the ground that the plaintiffs have simply sought impleadment of the parties without stating any material particulars in the application and without amending body of the plaint.

4. In this view of the matter, the petitioners can be permitted to file a fresh application before the Trial Court for adding Apoorva Gopi Dhawarshetti and Gopi Venkat Dhawarshetti as party defendants by making proper application indicating the proposed amendments stating material particulars which can be incorporated in the body of the plaint.

5. In case the said application is made by the plaintiffs, the same shall be considered by the trial Court on its own merits without being influenced by the rejection of the application Exhibit 48.

6. I am informed that the trial Court has kept the matter for dismissal of the Suit on 03/09/2019. The trial Court may adjourn the proceedings by 3 weeks so as to enable the petitioners to file appropriate application in view of above observations made by me.

7. With these observations, the Petition is disposed of.

8. Parties to act upon authenticated copy of this order.

(M.S.KARNIK, J.)