

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3857 of 2019

Kanchan W/o Ranjeet Sharma

..VS..

Marotrao S/o Natthuji Telrandhe

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Francis Thomas Karayil, Adv. for the petitioner.
Shri C.F. Bhagwani, Adv. for the respondents.

CORAM : Z.A.HAQ, J.

DATED : 30th July, 2019

Heard.

By the impugned order, the trial Court has dismissed the application (Exhibit 48) filed by the petitioner/plaintiff seeking permission to implead additional defendant.

The plaintiff has filed the civil suit praying for decree for declaration that the defendant has no right, title or interest over the suit property and the plaintiff cannot be dispossessed from the suit property by the defendants without following due course of law. The plaintiff has also prayed for decree for permanent injunction restraining the defendants from interfering with possession of the plaintiff over the suit property and also from creating any third party interest over the suit property. The plaintiff claims that she was put in possession of the suit property on 28.09.1999 after she paid an amount of Rs.5,000/- to the defendant and then she has paid an amount of Rs. 40,000/- to the defendant on 31.01.2000 and then paid an amount of Rs.6,000/- to the defendant on 24.04.2001. According to the plaintiff, the

defendant had assured that the sale deed would be executed on or before 10.01.2001. The civil Suit is filed in July, 2009. Now, the plaintiff is seeking permission to implead Smt. Kiran W/o Ramesh Arora as defendant, as according to the plaintiff, Smt. Kiran W/o Ramesh Arora has purchased the suit property on 08.05.2001. The application seeking permission to implead Smt. Kiran W/o Ramesh Arora as defendant is filed in November, 2018. Admittedly, the plaintiff got knowledge in 2009 that the suit property is sold to Smt. Kiran W/o Ramesh Arora in May, 2001. There is no explanation for the inordinate delay in moving the application (Exhibit 48).

The learned trial Judge has considered all the relevant aspects and has rightly dismissed the application (Exhibit 48).

I do not find any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

CIVIL APPLICATION NO. 1985 OF 2019

In view of the dismissal of the writ petition, this civil application praying for grant of interim order does not survive. Hence, it is **disposed**.

JUDGE