

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

WRIT PETITION NO. 4358/2019

Chandrabhan G. Padole & anr.

..VS..

Surekha R. Selokar

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

Court's or Judge's orders

Shri M.R. Ali, Advocate for the petitioner(s)

CORAM : Z.A.HAQ, J.

DATED : 30/08/2019

Heard.

In the civil suit, the original defendants had filed an application under Order 1 Rule 10 of the Code of Civil Procedure praying that the plaintiff be directed to delete name of the defendant no. 2 (present petitioner no. 2) from the array of the defendants. This application is dismissed by the impugned order.

The facts on record show that the plaintiff is daughter of the defendant no. 1 and the defendant no. 2 is uncle of the plaintiff. According to the defendants, the defendant no. 2 is in possession of the property in his own right having got it in the partition effected in 2008. The defendants further contend that the claim of the plaintiff is for her share in the property which is with the defendant no. 1.

Looking to the relation between the parties, I find that the learned trial Judge has judiciously taken the decision

of rejecting the application (Exh. 51). It cannot be said that the learned trial Judge has committed any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the writ petition is **dismissed**. No costs.

CIVIL APPLICATION (W) NO. 2117/2019

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

JUDGE

Ansari