

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

912 WRIT PETITION NO.10802 OF 2022

**VASANT MARUTI AVATE
VERSUS
NANA RAMA AVATE AND OTHERS**

...
Advocate for Petitioner : Mr.R.P.Bhumkar

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CORAM : SANDEEP V. MARNE, J.

DATE : 18.10.2022.

PER COURT :

1. By this petition, the petitioner challenges order dated 13.12.2021 passed by the 4th Civil Judge, Junior Division, Osmanabad on application for impleadment of the third party to the suit. By order dated 13.12.2021, the application has been allowed and the applicant has been directed to be arrayed as defendant in the suit. The suit is for partition. The applicant is claiming interest in the property. Whether the petitioner has any interest in the property shall be decided in the same suit rather than making the applicant to file separate proceedings to claim his share in the property.

2. The learned Counsel appearing for the petitioner strenuously submits that the applicant does not have any right, title or interest in the suit property and the trial Court has committed error in directing addition of third party to the suit. Whether the

applicant has right in the property or not is something can be decided at the time of final adjudication of the suit. Even otherwise, the Court has wide powers under the provisions of Order I Rule 10 (2) of Code of Civil Procedure, 1908 to add any party for effective adjudication of the suit.

3. In my opinion the trial Court has not committed any error in passing order dated 13.12.2021. The petition is devoid of merits and the same is dismissed without any orders as to the costs.

(SANDEEP V. MARNE)
JUDGE

mahajansb/