

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

28 WRIT PETITION NO.12642 OF 2022

**MOHD. BASHEER ABDUL GAFFAR KOTHARI
VERSUS
SANDEEP PANDHARINATH PANCHAL AND OTHERS**

...
Advocate for Petitioner : Mr. G.R. Syed

CORAM : SANDEEP V. MARNE, J.

DATE : 12-12-2022

PER COURT :

. Petitioner has challenged the order dated 14.07.2022 passed by 6th Civil Judge Junior Division, Parbhani rejecting petitioner's application at Exh.22 seeking impleadment in the suit.

2. After having gone through the order and after hearing the learned counsel for petitioner, I do not find any error being committed by the trial Court in passing the order dated 14.07.2022.

3. However, there is one area which in my opinion interference of this Court would be called for. Petitioner had executed a sale-deed in favour of Shri. Sandeep Pandharinath Panchal alleging that consideration for the sale-deed did not fructify. Petitioner has filed Special Civil Suit No.50 of 2021 against Sandeep Pandharinath Panchal for cancellation of the sale-deed. In special

Civil Suit No.50 of 2021, the trial Court has restrained Sandeep Pandharinath Panchal from alienating or creating third party rights in that suit property.

4. In respect of the same property, Sandeep Pandharinath Panchal (claiming to be purchaser) has filed Regular Civil Suit No.147 of 2021 against Atmaram @ Babu Narayan Tokwar and others to restrain them from interfering in his possession over the suit property. Interestingly, petitioner has also filed suit bearing Regular Civil Suit No.134 of 2015 against Atmaram @ Baburao Narayanrao Tokwar and others to restrain them from interfering in petitioner's possession over the suit property. Thus, there are two claimants claiming ownership of the same property viz. Petitioner and Sandeep Pandharinath Panchal. Additionally, petitioner has filed Special Civil Suit No.50 of 2021 seeking cancellation of sale-deed executed in favour of Sandeep Pandharinath Panchal. *Frima facie* it appears, that interest of justice would be served, if all the three suits are tried and decided by the same Court.

5. Accordingly, petitioner is granted liberty to file application before the Principal District Judge, Parbhani to club all the suits. If such an application is filed, the same be decided on its

own merits.

6. With the above observations, the writ petition stands disposed of.

(SANDEEP V. MARNE, J.)

GGP