

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION 6779 OF 2022

Mahesh Dagdu Powar and Anr. ..Petitioners

V/s.

Sanjay Raghunath Shirsagar and Ors. ..Respondents

Mr. Sandeep Koregave for the Petitioners.

Mr. Shantanu Kalekar a/w Yogesh Morbale for the Respondent 1 to 3.

CORAM : ROHIT B. DEO, J.

DATE : 13 JUNE 2022

P.C.

1. The Petitioners applied under Order I Rule 10 of the Code of Civil Procedure ('Code') seeking impleadment in Special Civil Suit 19 of 2013 which is brought by Respondent 1 to 3-Plaintiffs against Respondents 4 to 12 seeking decree of specific performance.

2. The third parties sought impleadment on the premise that property owned by them is wedged between two portions of the suit property and is wrongly included in the schedule of property.

3. The Plaintiffs have contended, and which contention is accepted by the Trial Court, that the property of the third parties

is different from the suit property and in this view of the matter no prejudice is likely to be caused to third parties, if the application under Order 1 Rule 10 under Code is not allowed.

4. The learned counsel for the Plaintiffs reiterated the submissions and assures the Court, that the Plaintiffs shall not hold the third parties bound in any manner by the decree which may be passed and that property of the third parties is not included in the schedule of property. The statement is accepted.

5. No interference in the order impugned which rejects the application under Order 1 Rule 10, is necessary in writ jurisdiction.

6. Writ Petition is disposed of.

(ROHIT B. DEO, J.)