

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2022.01.24
18:19:39
+0500

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9596 OF 2016

Pravin M. Khaire and ors. ...Petitioners.
V/s.
Narayan D. Inamdar and ors. ...Respondents.

Mr. Chetan S. Damre for the Petitioners.
Mr. P.J. Thorat for Respondent Nos.1,2A and 2 B.

CORAM : N.R. BORKAR, J.
DATE : 21.01.2022.

P.C. :

1. This petition takes an exception to the order dated 2.2.2016 passed by the Civil Judge, Sr. Division, Nandgaon below Exhibit-102 in R.C.S. No. 38 of 2007.
2. The petitioner No.1 filed the suit seeking declaration that the Sale Deed in respect of the suit property dated 13.2.1967 executed by his grandfather Shankar Khaire in favour of the present respondents-defendants is null and void, so also for injunction and possession.
3. At the stage of evidence of the said suit, petitioner Nos.2 and 3, who are sons of said Shankar Khaire moved an application along with petitioner No.1 under Order 1 Rule 10(2) of the C.P.C. seeking their impleadment as plaintiffs to the suit. The trial Court rejected the said application by order impugned.

4. The learned counsel for the petitioners submits that the respondents/defendants got executed the Sale Deed in question from Shankar Khaire by playing fraud. It is submitted that the petitioner Nos.2 and 3 being sons of Shankar Khaire moved an application seeking their impleadment as plaintiffs. It is submitted that the trial Court, considering the facts and circumstances ought to have allowed the said application.

5. On the other hand, the learned counsel for the respondents/defendants submits that the trial Court has rightly rejected the application. He submits that even otherwise the respondents/defendants are not going to raise any objection that suit is bad for non-joinder of necessary parties.

6. In view of submissions of the learned counsel for the respondents/defendants and the nature of suit, I am not inclined to interfere with the impugned order. In the result, the following order is passed.

ORDER

Writ Petition is dismissed.

[N.R.BORKAR, J.]