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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.14569 OF 2022**

Yatin Arun Damle

... Petitioner

**V/s.**

Bank of India, Branch Ganpatipule &  
Ors.

... Respondents

VAIBHAV  
RAMESH  
JADHAV  
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VAIBHAV RAMESH  
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Mr. Rupesh Ramchandra Lanjekar for the petitioner.

**CORAM : AMIT BORKAR, J.**

**DATED : AUGUST 29, 2023**

**P.C.:**

1. Challenge in this petition is to the order dated 22<sup>nd</sup> September 2022 passed by the Civil Court rejecting application under Order 1 Rule 10 of the Civil Procedure Code, 1908 in the suit for recovery filed by the bank.
2. The petitioner claims to be a purchaser of the property owned by borrowers in Special Civil Suit No.62 of 2020. The trial Court rejected the application holding that in another suit filed by the bank seeking declaration of invalidity of sale deed executed in favour of the petitioner, the petitioner is made party and, therefore, he can raise all his grievances in the said suit.
3. However, according to the petitioner, order affecting rights of the petitioner is likely to be passed in view of averments made in the plaint that the said sale deed executed in favour of the

petitioner is not binding.

4. In my opinion, the suit being a proceeding for recovery of amount, the question of validity of sale deed executed in favour of the petitioner is not an issue particularly when such specific grievance is already raised in independent suit by the bank. Therefore, apprehension expressed by the petitioner is misplaced. No fault can be found with the trial Court's order.

5. The civil writ petition is, therefore, disposed of.

**(AMIT BORKAR, J.)**