

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11721 OF 2022

Dhananjay Gopal Devarde

....Petitioner

V/S

Anandrao Dhondiram Patil & Ors.

....Respondents

...

Mr. Omkar Nagwekar for the Petitioner.

Mr. Sidheshwar N. Biradar for Respondents.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 23 JANUARY 2023.

P.C.:

1 By this Petition, the Petitioner challenges the order dated 22 February 2022 passed by the District Judge-II, Ichalkarnaji rejecting his Application filed under the provisions of Order I Rule 10 of Civil Procedure Code, seeking impleadment in Regular Civil Appeal No.54 of 2018.

2 By decree dated 20 August 2018 the Trial Court has restrained Defendant Nos.1 to 3 from interfering in Plaintiff's possession in respect of properties described in paras 2(a) and 2(b) of the Plaint. Petitioner is purchaser of property described in para 2(b) of the Plaint. Whereas Defendant Nos.1 and 2 are the purchasers in respect of the property described in para 2(a) of the Plaint. Defendant Nos.1 and 2 have instituted Regular Civil Appeal No.54 of 2018 challenging the decree dated 20 August

2018. For the reasons unknown, the Petitioner, who is Defendant No.3 in the suit has not challenged the decree by filing Regular Civil Appeal. Instead of filing his own Appeal Petitioner/Defendant No.3 sought impleadment in the Appeal filed by the Defendant Nos.1 and 2. Since the Petitioner has not filed his own Appeal, no practical purpose would be served by impleading the Petitioner/Defendant No.3 in Regular Civil Appeal No.54 of 2018 instituted by Defendant Nos.1 and 2. The Appellate Court has rightly rejected the Petitioner's Application for impleadment. The Petition is devoid of merits and the same is dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)

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