

AGK

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

**WRIT PETITION NO.11530 OF 2023
AND
WRIT PETITION NO.11535 OF 2023**

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2023.09.21
17:59:14
+0530

Madhukar Murlidhar Kale, through
PoA Rajendra M. Kale ... Petitioner

V/s.

Vinayak Hiranman Walzade & Anr. ... Respondents

Mr. Rahul D. Motkari with Mr. Abhishek Kase for the
petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 21, 2023

P.C.:

1. By the impugned order, the Trial Court has rejected application filed by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908. The suit is filed for correction of boundaries of sale deed filed against the defendant.

2. On perusal of the application under Order 1 Rule 10 of the Code of Civil Procedure, 1908, it appears that the petitioner has failed to plead as to how his rights over the suit property 1B or suit property 1A will be affected if decree is passed in the suit. Moreover, the petitioner not being a party to the suit, any decree passed in such suit will not be binding on the petitioner.

3. There is no need to interfere in the impugned order. Both the writ petition accordingly stands disposed of. No costs.

(AMIT BORKAR, J.)