

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4726 OF 2016

Babasaheb Bhau Sanap

...Petitioner

Versus

Harish Jayprakesh Dixit & Ors.

...Respondents

...

Mr. S. D. Patil for the Petitioner.

CORAM: SANDEEP V. MARNE, J.

DATE : 18 AUGUST 2023.

P. C.:

By this petition Petitioner challenges order dated 18 August 2015 passed by the 6th Jt. Civil Judge, Senior Division, Nasik thereby rejecting Petitioner-Plaintiff's application for impleadment of MSEDCL as party defendant to the suit under provisions of Order 1, Rule 10 of the Code of Civil Procedure.

2. The suit has been filed by Petitioner-Plaintiff *inter alia* for specific performance of the agreement to sale allegedly executed by defendant No.1 in his favour. Petitioner-Plaintiff has also challenged subsequent transaction executed by defendant No.1 in favour of defendant No.2 and 3. Petitioner-Plaintiff sought to implead MSEDCL

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as party defendant to the suit on the ground that the MSEDCL has disconnected electric supply of suit property which is allegedly in possession of Petitioner.

3. In my view, in suit for specific performance of alleged agreement to sale executed by defendant No.1 in favour of Petitioner-Plaintiff, MEDCL cannot be a necessary party. Admittedly it is not party to the contract. The Trial Court has rightly rejected Petitioner-Plaintiff's application for impleadment of MSEDCL as party defendant. In case Petitioner-Plaintiff has any grievance against any action of MSEDCL, Petitioner-Plaintiff can always adopt independent proceedings against MSEDCL for restoration of electric supply.

4. The Writ Petition being devoid of merits, is dismissed without any order as to costs.

SANDEEP V. MARNE, J.

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