

Sonawane and three others against 8 Defendants. It was for cancellation of the sale deed by which the Defendant Nos.2 to 8 had sold their share to the Defendant No.1. The Plaintiffs also sought to exercise right of preemption to purchase the other shares.

2. Heard Mr. Vivek V. Salunke, learned counsel for Petitioner.
3. Learned counsel for the Petitioner submitted that since the Petitioner is claiming undivided share in the same property, he was also necessary party.
4. I have considered these submissions in the light of the observations made by the learned Trial Judge in the impugned order passed below Ex.93. I have also perused the application preferred by the Petitioner before the Trial Court. In that application, apart from mentioning that he had undivided share in the property survey No.44/2, which was changed to Gat No.400, the Petitioner had also mentioned that he had independent right because his predecessor's name was entered

into the revenue record. The Petitioner himself had filed his own RCS No.208/2017 against Shivram Sonawane and others. The right which he is claiming in RCS No.208/2017 in respect of the same land is entirely different. That suit is proceeding independently. The learned Trial Judge had not granted interim relief in that suit.

5. I have considered the reasoning given by the Trial Judge. As mentioned by the Petitioner himself in his application, he is claiming his right in this particular land on a totally different ground, in the Special Civil Suit No.1369/2015. Therefore, his application for being added as a Defendant in Special Civil Suit No.1369/2015 was rejected. It was rejected on sound reasoning.

6. In this view of the matter, I do not find any substance in the Petition. It is accordingly dismissed.

(SARANG V. KOTWAL, J.)