

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 854 OF 2023

Umatai Dnyaneshwar Katkade__ Vs. __ Vikram Tulsidasji Nanwani and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. G.D.Asole, Advocate, for the petitioner

CORAM : AVINASH G. GHAROTE, J.
DATE : 13/02/2023

1] The petition challenges the order below Exh. 7 and 7A which relates to the application for amendment and addition of party.

2] The wife of the respondent no.1 is sought to be added as the defendant no.6, on the ground that the respondent no. 1 under the agreement dated 12.4.2018 had agreed to create a charge upon the property of the family including that of his wife who is proposed to be added.

3] Admittedly, the proposed defendant no.6 is not a party to the agreement dated 12.4.2018 and holds the property in her own individual right, considering which any assurance given in the agreement dated 12.4.2018 to the above extent would clearly not have the effect of binding the wife of respondent no.1, thereby making her a proper or necessary party as there is no

privity of contract between the petitioner/plaintiff and the proposed defendant no.6. The learned trial Court has rightly considered this position in the impugned order, considering which I see no reason to interfere. The petition is dismissed.

JUDGE

Rvjalit