

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

Writ Petition (WP) No. 6846 of 2022

Rajendrasing S/o Baliramsing Thakur

Versus

Sagarsing S/o Rajendrasing Thakur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.D.Borkar, Advocate for the petitioner

CORAM : ANIL S. KILOR, J.

DATED : 11th JANUARY, 2023.

In the present writ petition, the challenge is raised to the order below Exh.47 dated 20th October, 2021 passed by the Civil Judge, Senior Division, Mangrulpir in Special Civil Suit No. 7 of 2018 for transposition of defendant no.7 as plaintiff.

2. Learned trial Court after considering the pleadings in the plaint as well as prayers, has found that the case of the plaintiff and the defendant no.1 is not same but distinct and separate and there are prayers made against the defendant no.7 as well as in the pleadings some allegations are made against the defendant no.7. Thus, the Court has rightly observed that the interest of the plaintiff and the defendant no.7

cannot be considered as the one and the same and accordingly, the application was rejected by the learned trial Court.

3. In view of the above said findings recorded by the learned trial Court, I do not find any error or perversity committed in the impugned order dated 20th October, 2021 passed by the learned trial Court. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]

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