

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

WRIT PETITION NO. 5369 OF 2021

Ankush Ashok Karare __ Vs. __ Pushpa Gendlal Shiwale and ors

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

Court's or Judge's orders

Mr. D.G.Paunikar, Advocate for petitioner
Mr. K.R.Gour, Advocate for respondent No.1

CORAM : AVINASH G. GHAROTE, J.
DATE : 20/02/2023

1] Heard Mr. Paunikar, learned counsel for the petitioner.

2] The petition challenges the order dated 13.1.2020, by which the application below Exh.17 by the petitioner to implead him as the defendant in RCS No. 978/2019, has been rejected by the learned Trial Court.

3] Mr. Paunikar, learned counsel for the petitioner submits that the petitioner is a necessary and proper party, as the respondent is claiming possession of the suit property in the present suit by seeking reconnection of the electricity supply and in case after reconnection, the bills are not paid, it is the petitioner who would suffer on account of attachment and sale of the property.

4] No provision has been brought to my notice which permits the attachment and sale of the property on account of non payment of electricity bills. That apart, the petitioner has already filed RCS No. 418/2018 to claim that she is in possession of the property in question, in which the respondent no.1 is already a party defendant. The respondent No.1 claims to be in possession of the structure on the basis of the agreement dated 29.4.2005 executed by the father of the petitioner in favour of the respondent no.1.

5] That being the position, I do not see any reason to interfere in the impugned order, as the relief claimed therein do not affect the petitioner in any manner. In case electricity connection is granted, that would be to the benefit of the property and therefore does not prejudice the petitioner in any manner whatsoever. The petition is therefore without any merit and is dismissed. No costs.

JUDGE

Rvjalit