

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

WRIT PETITION NO.2832/2023

Sudhir s/o Vasantrao Gandhare and another

...Versus...

Nitin s/o Veejay Bansal and another

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

Court's or Judge's orders

Mr. D.V. Chauhan, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/04/2023

1. Heard Mr. D.V. Chauhan, learned counsel for the petitioners. The petition challenges the common order, dated 17/03/2023 below Exh.27 and 30, passed by the 4th Joint Civil Judge, Senior Division, Nagpur, in Special Case No.183/2018 (pg.50), whereby the application for intervention and impleadment by the respondent no.1, as a plaintiff in the suit, has been allowed by the learned Trial Court.

2. Mr. Chauhan, learned counsel for the petitioners submits that without considering the plea of bar of limitation, the impugned order has been passed, as admittedly the agreement of assignment was of the year 2014 and the suit was filed in the year 2018 and the application for assignment has been filed in the year 2022.

3. Had it been an application for substitution, the question of limitation would have arisen. However, in the instant case, the application is for addition of the assignee as the plaintiff no.2, in view of which, in my considered opinion, since the lis has already been filed within time, the question of limitation does not arise.

4. The assignee always has a right to get impleaded, as ultimately it is the right of the assignee which would be affected in the matter of conduct of the proceedings, as has been held by the Hon'ble Apex Court in the case of *Dhurandhar Prasad Singh Vs. Jai Prakash University and ors, AIR 2001 SC 2552*, in view of which, I am not inclined to interfere in the impugned order. The writ petition is dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar