

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

WRIT PETITION NO.8466 OF 2022

Sau. Bimla W/o Radheshyam Ganeriwala and another .Vs. Ms. Sarala Ashok Shah and
another

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

Court's or Judge's Order

Shri V.S. Giramkar, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 03/01/2023

1. Heard.
2. The petitioners are challenging the order below Exh.10 dated 11.11.2022 rejecting the application filed under Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure.
3. The learned counsel for the petitioners contended that despite the petitioners are having right in the suit property, defendants agreed to sell the property to the plaintiff and therefore, the rights of the petitioners are endangered. He, therefore, submits that the Court has committed an error in rejecting the application.
4. I have perused the impugned order and after going through the order, I do not find any error in the finding recorded by the learned trial Court that even if the defendants executed a sale deed in respect of the ancestral

property, it will be to the extent of their own share and in any case, it will not affect the rights and title of the petitioners, if any.

5. Nothing has been pointed out that the presence of the petitioners are necessary to decide the issue involved in the suit in proper and complete manner.

6. In that view of the matter, as the petitioners failed to satisfy the pre-requisite of Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure, I do not find any merit in the present petition.

Accordingly, the writ petition is **dismissed**.

JUDGE