

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

Writ Petition No.7908/2019

(Pace Business Machine Pvt Ltd V Mohammad Faiyyaz and others)

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

Court's or Judge's Orders

Mr. G.I. Dipwani, Adv for petitioner.

CORAM : AVINASH G GHAROTE, J.

DATE : 21-03-2023

Heard learned Counsel for the petitioner.
None for the respondents.

2. The petition challenges the order below Exh-13 an application to delete the petitioner, who is defendant no. 2 in this suit, which has been rejected by the trial Court (pg 27). It is not disputed that the principal contractor was defendant no.2/petitioner who has given a sub-contract to the defendant no.1, who in turn, is said to have been transferred the same to the plaintiff, who has carried out the work and has filed the suit for recovery. In such circumstances, merely because the defendant no.2/petitioner is one step removed, it cannot be said that he is a person, who is not proper or necessary party to the suit. In view of this, I do not see any reason to interfere in the order impugned in this petition. The petition stands dismissed. No costs.

JUDGE

Deshmukh