



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO. 8901 OF 2024

MUKTABAI TUKARAM MAGAR

....Petitioner

VERSUS

PANJAB BAJIRAO MAGAR AND OTHERS

.....Respondent

.....
Advocate for the Petitioner : Mrs. Chincholkar Surekha G.

.....

CORAM : ARUN R. PEDNEKER, J.

Dated : August 21, 2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. By the present writ petition, the petitioner prays to quash and set aside the order dated 13.12.2023 below Exh. 14 passed by the learned Civil Judge, Junior Division, Kalamnuri, Dist. Hingoli. The application was filed by the plaintiff for impleading her as defendant No. 4. Petitioner – Muktabai is the mother of defendant Nos. 1 to 3. The application is filed by the petitioner on the ground that plaintiff got executed sale deed of the suit land from petitioner by using force and without delivery of possession. The learned counsel for the petitioner submits that the petitioner has not executed the sale deed and the plaintiff has threatened to execute the sale deed without any consideration and as such, the sale deed is bogus.
3. Having considered the submissions and record, it is seen that petitioner seeks impleadment in the suit as defendant No. 4. In plaint, there

is no relief claimed against the petitioner. Injunction is sought against defendant Nos. 1 to 3 on the basis of sale deed and the possession is in favour of the plaintiff. In the event, the petitioner seeks to set aside the said sale deed, she is at liberty to do so by filing appropriate proceedings or suit. As no relief is claimed against the petitioner, she cannot be impleaded in the suit as defendant No. 4. Thus, there is no error in the order passed by the learned Trial Court. Accordingly, the writ petition is dismissed.

(ARUN R. PEDNEKER, J.)

ssc/