



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO. 6407 OF 2020

DATTATRAY MOHANRAO DARANDALE AND OTHERS

VERSUS

**ABDUL RAHEMAN SHAIKH ABUD AMODI AND
OTHERS**

...

Advocate for the Petitioners : Adv.M.R.Sonwane

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CORAM : ARUN R. PEDNEKER, J.

DATE : 22.02.2024

P.C. :

1] The writ petition is filed challenging the order dated 13.11.2019 passed by 8th Joint Civil Judge Senior Division, Ahmednagar below Exh.79 in Spl.C.S.No.53 of 2012 thereby application of the defendant nos. 1 to 3 for deleting defendant no.4 from the suit is rejected.

2] The trial Court has observed that the suit is filed for specific performance of contract against defendant nos. 1 to 3. Defendant no.4 has acted as mediator and as per the pleading in the suit, amount of Rs.15 lakhs was given by cheque to defendant no.4 by the plaintiff for defendant nos. 1 to 3. From prayer clause (B) and (E), it appears that plaintiffs have prayed for compensation of Rs.60 lakhs along with interest of 18% from all defendants and also prayed for refund of amount of Rs.26,50,000/- from all

defendants. Considering the prayers, the plaintiffs are claiming recovery of amount from defendant no.4 also. Therefore, he is necessary party to the suit. Considering the findings recorded by the trial Court, I do not see any error to interfere in the impugned order passed by the trial Court. Therefore, the present Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC