

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1020 WRIT PETITION NO. 2691 OF 2023

SAMEER AMIN SHAIKH
VERSUS
ISAK NAVAB SHAIKH AND OTHERS

...
Advocate for the Petitioner : Ms. Mhase Madhaveswari S.
Advocate for Respondent No.1 : Mr. B.N.Patil B.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 10.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioner assails the order dated 15.12.2022 passed below Exhibit 150 by the Civil Judge, Junior Division, Ausa, District Latur in Regular Civil Suit No. 8 of 2005, whereby, the application filed by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure came to be rejected.
3. The learned Counsel for the petitioner submits that he has purchased the property from his grand-mother who is the plaintiff in RCS No. 8 of 2005 and therefore, prayed to implead him as plaintiff No. 2 in the said suit.
4. Mr. Patil, learned Counsel for the respondent No. 1 submits that the alleged sale deed is nothing but a fraud committed by original plaintiff who has filed suit for recovery of possession. He further points

out that an incorrect submission is made that pursuant to the registered sale deed petitioner is in possession of the property.

5. I have gone through the order passed by the learned trial Court. The learned trial Court has recorded a finding that the applicant was aware of pending litigation and yet he purchased the property. The applicant, despite of knowledge of direction of this Court to appoint Deputy Superintendent of Land Record to measure the land and file the map and report, executed the sale deed.

6. I am of the opinion that learned Trial Court has rightly rejected the application filed by the petitioner, therefore, I do not find any reason to interfere with the order dated 15.12.2022 passed below Exhibit 150 by the Civil Judge, Junior Division, Ausa, District Latur in Regular Civil Suit No. 8 of 2005 under Article 227 of the Constitution of India.

7. In view thereof, the Writ Petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)

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