



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 10010 OF 2022

Harjit Singh Tirath Singh SawhneyPetitioner

VERSUS

Gurupreet Singhs Gurnam Singh PandherRespondent

.....

Mr. Harjit Singh Tirath Singh Sawhney, Party In Person.

CORAM : R. M. JOSHI, J.

DATE : 25th APRIL, 2025.

PER COURT :

1. This petition takes exception to the order passed in below Exhibit 17 in Regular Civil Suit No. 148/2019 whereby the application filed by Petitioner/Plaintiff for seeking direction to the third party/Respondent herein to file necessary documents showing C.T.S. Nos. 18823 to 18835 are corresponding city survey numbers of land Survey no. 22/2 of village Paadampura, Tq. & Dist. Chhatrapati Sambhajinagar, along with other documents, came to be rejected.

2. Plaintiff filed suit for cancellation of sale-deed against Defendants. Defendant Nos. 2 and 3 failed to appear before the Trial Court hence suit proceeded ex-parte against them. During the pendency of the suit, Respondent preferred application Exhibit 14 for

his impleadment as defendant. His application is yet to be decided. Since the Respondent has claimed this application about having right, title and interest in the property with contention that C.T. S. Nos. 18823 to 18835 are corresponding city survey numbers of Survey No. 22/2, the present Petitioner filed application Exhibit 17 seeking direction to the third party to produce documents on record.

3. Learned Trial Court rejected said application with observation that the third party is yet to be shown as party defendant in the suit.

4. Heard Petitioner in person. None for Respondent inspite of service of notice.

5. Perusal of record indicates that the contention of third party about CTS Nos. 18823 to 18835 corresponding to CTS No. 22/2 is disputed by Petitioner/Plaintiff. Once such dispute is raised, the burden is on the third party applicant to place appropriate material on record in order to prima facie show his interest in the suit property. Hence, though the impugned order is not interfered with, learned Trial Court to ensure that while deciding his

application for impleadment, the contention raised is prima facie substantiated. Appropriate inference may be drawn as provided by law in case the documents which are necessary for substantiating the rights of the third party are not placed before the Trial Court. Petition is disposed of in above terms.

(R. M. JOSHI)
Judge

dyb