

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5020 OF 2025

Rajashree Dilip Bargale and Anr. ... Petitioners

V/s.

Nandkumar Balkrushna Pandyaji ... Respondents
Since Deceased through LHRs. And
Ors.

Mr. Nagesh Y. Chavan, for the Petitioner.

CORAM : N.J. JAMADAR, J.

DATE : 23RD APRIL 2025.

PC:

1. Heard learned counsel for the petitioners.
2. The challenge in this petition is to an order dated 21st September 2024, whereby an application preferred by the petitioner to implead them as party defendants in Special Civil Suit No. 112 of 2012, came to be rejected.
3. The petitioners have instituted the Suit Nos. 127 of 2014 and 128 of 2014 seeking declaration that the sale deeds executed by their respective husbands in favour of Sau Suman Mittal, the defendant no. 1 in Special Civil Suit No. 112 of 2012, are void and illegal.
4. The plaintiffs in Suit No. 112 of 2012 have sought a decree of specific performance of the contract to sale the suit property which was

sold to defendant no. 1 by the respective husbands of the petitioners.

5. The petitioners had filed an application to implead them as party defendants in the suit (Exhibit-54). By an order dated 12th February 2020, the said application was rejected by the Trial Court. It seems that the said order attained finality as the petitioner did not challenge the said order. Instead, the petitioners again filed an application for the very same relief (Exhibit-170).

6. By the impugned order, the learned Civil Judge was persuaded to reject the application as an identical prayer was rejected by earlier order dated 12th December 2020.

7. The aforesaid being the position, the impugned order does not warrant interference in exercise of supervisory jurisdiction. It was not open for the petitioners to file a fresh application for impleadment after the first application was rejected by ascribing reasons in the year 2020 itself.

8. However, in the totality of the circumstances, this Court is of the view that some issues which may arise for determination in the Special Civil Suit No. 112 of 2012 and the suits instituted by the petitioners i.e. Special Civil Suit No. 127 of 2014 and Special Civil Suit No. 128 of 2014, may overlap. It would, therefore, be expedient in the interest of justice that all these suits are heard and decided by the same Court.

9. The Principal District Judge, Sangli is requested to assign Special Civil Suit No. 127 of 2014 and Special Civil Suit No. 128 of 2014 to the same court on whose file the Special Civil Suit No. 112 of 2012 is

subjudice, for hearing and disposal in accordance with law, independently.

10. Subject to aforesaid clarification, the petition stands disposed.

(N.J. JAMADAR, J)