



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.311/2025

Mandeep Singh Amarjit Singh and Ors. Vs. Rajesh Deorao Meshram and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. Raoka, Advocate for petitioners.

CORAM : ANIL L. PANSARE, J.

DATE : JANUARY 27, 2025

Heard.

2. Respondent No.1 had filed a suit against the petitioners for declaration and perpetual injunction. The suit came to be dismissed. Respondent No.1 filed appeal being Regular Civil Appeal No.469/2016. Pending appeal, respondent No.2 filed an application under Order I Rule 10 of the Civil Procedure Code, 1908, to add him as party. The Appellate Court, vide impugned order, allowed the application on the ground that the property under question was sold to him through registered sale deed and the appellant had given no objection for adding him as party – respondent.

3. In context with the above, if sub Rule (2) of Rule 10 of Order I of the CPC is considered, the Court will be fully justified in an appropriate case to permit the party to intervene, in order to decide the issue completely.

4. The grievance of the petitioner – original respondents is that they were not heard. In fact, notice was served upon them subsequent to passing the impugned order. The petitioners, however, were heard and further Court thought it necessary to permit respondent No.2 to intervene in order to completely decide the controversy. In the circumstances, unless the petitioners make out a

case of prejudice having been caused, the interference may not be solicited.

5. During the course of argument, a question arose as regards date of sale deed, which the Court intended to verify, to find out the perversity in the order and accordingly a query was made as to when was the sale deed executed in favour of the intervenor. Learned counsel for the petitioner submits that there arises no question of going into the date of the sale deed.

6. Thus, the petitioners' counsel is not willing to answer the query made by the Court.

7. This is how assistance is rendered to the Court. In the circumstances, it will be difficult to proceed further.

8. The writ petition is accordingly dismissed.

(Anil L. Pansare, J.)