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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3599 OF 2014

Govind Dananjay Bastappure

PETITIONER

VERSUS

Jagannath Govindrao Pawale

RESPONDENT

.....
Mr. M.B.Kolpe, Advocate for the petitioner
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 30th APRIL, 2014

ORDER :

1. The petitioner purports to be aggrieved by order dated 17th January, 2014 on Exhibit-26 in Regular Civil Suit No.15 of 2011 passed by Civil Judge, Junior Division, Chakur whereunder his father has been allowed to be arrayed as defendant No.2 to the suit.

2. It is the case of the plaintiff that the added defendant has sold out the suit property under a registered sale deed while it is the contention of the present petitioner that the sale deed has been executed during his minority by some other person and as such a declaration against said sale deed has been sought in the suit.

3. Taking into account aforesaid, it emerges that existence of sale deed is not disputed, however the dispute is sought to be raised about its execution is whether by father of the petitioner and / or by someone else.

4. The trial court, in its discretion has considered that for complete and effectual adjudication of the suit, presence of added party would be necessary and proper. The discretion so exercised does not appear to be arbitrary or perverse. In such a case, under writ jurisdiction it would not be appropriate for this Court to interfere with the order passed by the trial court. Writ petition as such, stands rejected.

[SUNIL P. DESHMUKH, J.]