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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1049 OF 2015

Mohan Sitaram Muley. ..Petitioner

-Versus-

Kishan Pandurang Sakhre and others. ..Respondents

.....
Mr.C.V.Thombre, Advocate for the Petitioner.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 06th February, 2015

Per Court:

1 The Petitioner is the original Plaintiff in RCS No.41/2010. An application Exhibit-35 came to be filed on 13.02.2013 invoking Order 1 Rule 10 of the Code of Civil Procedure for adding two persons, namely, Mahesh Mohan Muley and Manoj Mohan Muley who are minors through their mother Smt.Satyasheela Mohan Muley. By the impugned order dated 06.12.2014, the said application Exhibit-35 has been rejected.

2 The contention of the Petitioner is that these two minors through their mother need to be arrayed as Plaintiff Nos.2 and 3. The suit is for perpetual injunction. Subsequent events are said to be the cause for moving application Exhibit-35. The same has been rejected with a cryptic order. Grave injustice has been done to the Petitioner. The nature of the cause of action would not have altered if application Exhibit-35 was allowed.

3 I have considered the submissions of the learned counsel appearing for the Petitioner and I have gone through the petition paper book with his assistance.

4 The suit is for perpetual injunction. The Petitioner is said to be aggrieved by the conduct of the Defendants and as such he seeks injunction against the Defendants. Needless to state, a party, which finds himself in a situation wherein his peaceful possession and enjoyment of the property is disturbed, can move a suit for injunction. Neither the mother nor the said two minors have alleged any disturbance at the hands of the Defendants nor has she moved an application seeking to be added as Plaintiff along with the Petitioner.

5 The reasons assigned by the Trial Court in the impugned order are neither perverse nor erroneous. The application has been rightly rejected.

6 In the light of the above, I do not find any merit in this petition and same is, therefore, dismissed. No order as to costs.

(RAVINDRA V. GHUGE, J.)