

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9824 OF 2014

YOUSUF KHAN KARIM KHAN
VERSUS
NANDED WAGHALA MUNICIPAL CORPORATION AND ANOTHER

.....
Advocate for petitioner : Mr. Ghatge Mahesh V.
.....

CORAM : V. K. JADHAV, J.

DATED : 18th FEBRUARY, 2015

PER COURT :-

1. Heard Shri M. V. Ghatge, the learned counsel for petitioner.
2. The Petitioner is the original plaintiff, instituted a suit for perpetual injunction against respondent No. 1. The respondent No. 2 has filed an application Exh. 18 under Order 1 Rule 10(2) of the Civil Procedure Code for impleading him as a party defendant in the suit. The learned Judge of the Trial Court has allowed the said application. Hence this Writ Petition.
3. The respondent No. 2 has pointed out in his application at Exh. 18 that the petitioner/original plaintiff has included illegally a portion of his property in the suit house ad-measuring 7x12 feet towards the northern side of the suit house. Furthermore, it is also alleged that

the petitioner/original plaintiff has claimed roads incorrectly towards the eastern and northern side of the suit property.

4. It appears that the learned Judge of the Trial Court has rightly exercised the discretion in favour of the respondent No. 2. As per the provisions of Order 1 Rule 10(2), the presence of respondent No. 2 is necessary before the Trial Court so as to enable the Court effectually and completely adjudicate upon and settle all the questions involved in the suit. The learned Judge of the Trial Court has rightly allowed the application to avoid the multiplicity of litigation. No case is made out to interfere in the impugned order. The Writ Petition is devoid of any merit. The Writ Petition is dismissed. There shall be no order as to costs.

(V. K. JADHAV, J.)

...

vre/ -