

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7934 OF 2014

PRALHAD TATERAO JADHAV
VERSUS
BADRINATH SUDAM JADHAV AND ANOTHER

Advocate for Petitioner : Mehta Punit S
Advocate for Respondents : Karad Murlidhar S For R/2
Solanke Shrikrashna B. For R/1

CORAM : N.W.SAMBRE,J.
DATED : 16TH DECEMBER,2015

PER COURT :-

In my opinion, order dated 1/8/2014 passed by learned trial Court i.e. 3rd Joint Civil Judge Senior Division, Aurangabad in Special Civil Suit No.38/14 is not sustainable. As the plaintiff at whose instance the order impugned is challenged will suffer consequences of non joinder of necessary parties to the suit if the same is considered by the trial Court at appropriate stage.

2] Apart from above, the newly added party is claiming his right through original defendant no.1. The cause as cited for impleading him as defendant to the Suit in my opinion, gives fresh cause of action in his favour for which he has appropriate remedy in law. As such, order impugned passed on 1/8/2014 by 3rd Joint Civil Judge, Senior Division, Aurangabad below Exh.24 is not sustainable and is hereby set aside. Application Exh.24 stands rejected.

(N.W.SAMBRE,J.)

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