

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

**WRIT PETITION NO. 10788 OF 2015**

Shriram Sopanrao Mohite,  
Age: 38 years, Occ: Business,  
R/o. A-7, Ganeshpark, Govind Gareden,  
In front of Pimple Saudagar,  
Taluka and District Pune & anr. ...Petitioners

versus

Haridas Goverdhan Tongire,  
Age: 42 years, Occ: Business,  
R/o. Saishruti Apartment,  
Flat No. 04, Gadhinar,  
c/o Manoj Jain, Plot No.134,  
Ambika Sadan, Behind Gandhinagar,  
Near Bansilal Nagar, Aurangabad & ors. ...Respondents

.....  
Mr. A. D. Kasliwal, Advocate for petitioners  
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**CORAM : N.W. SAMBRE, J.**

**DATE : 16<sup>th</sup> NOVEMBER, 2015**

**ORAL ORDER :**

This petition is by original defendant Nos. 9 and 10 questioning the order dated 02/07/2015 passed by 8th Joint Civil Judge, Senior Division, Aurangabad, wherein the Court has given verdict of maintainability of the suit in favour of plaintiff while dealing with the application for deletion of defendant Nos. 1 to 5.

2. Mr. Kasliwal, learned Counsel for the petitioners would urge that in view of provisions of Section 6 of the Code of Civil

Procedure, the suit is required to be initiated before the Court having monetary jurisdiction in lower cadre and according to him, parties i.e. defendant Nos. 1 to 5 are intentionally added to avoid jurisdiction of Civil Judge, Senior Division. According to him, there is no cause as against the said defendants and as such, deletion/mis-joinder of defendant Nos. 1 to 5 should have been granted.

3. Upon perusal of the pleadings and plaint, there are categorical pleadings against Talathi, Tahsildar, Sub Registrar, as the sale deed executed and mutation entries are subject matter of challenge in the suit.

4. In view of above, in my opinion, the view taken by learned 8th Joint Civil Judge, Senior Division, Aurangabad is correct view. The reason given by learned Court below that defendant Nos. 1 to 5 have not objected their joinder as party to the suit and it is present petitioners who have objected their locus.

5. In view of above, in my opinion, no case for interference is made out. The writ petition fails, same stands dismissed.

**[ N.W. SAMBRE, J. ]**