

SECOND APPEAL NO. 664 of 2011

Mr. Shailesh Chavan h/f Mr. Milind Deshmukh, Advocate
for the Appellants
Ms. Priyanka Joshi I/b. Mr. Rahul S. Kate, Advocate for the
Respondents

CORAM : R.K.Deshpande, J.
DATED : 08th JUNE, 2015.

P.C.

There are total 11 defendants including defendant No. 4A against whom a decree was passed by the appellate Court on 30th April, 2011. This appeal has been dismissed against the defendant Nos. 4 to 8 on 10.09.2012. The decree passed by the lower Appellate Court restraining all the defendants from obstructing a right of way of the plaintiffs to their field Survey Nos. 689, 702 and 703 through field Survey Nos. 704, 731, 743, 744, 749 and 750 owned by the defendant Nos. 1 to 8, 14 and 15. The appeal is also dismissed against the plaintiff Nos. 1 and 2 who are joined in this appeal as respondent Nos. 8 and 9. In such a situation the

appeal cannot be allowed on merits for non joinder of necessary parties. The appeal is, therefore, dismissed.

(R.K.DESHPANDE, J.)

Rvjalit