IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1200 OF 2015

Balaso Shamrao Gurav and ors. : Petitioners
versus
State of Maharashtra
Through Collector, Kolhapur and ors. : Respondents.

Mr. Sandeep S Koregave for the Petitioners.
Mrs. M S Bane "B" Panel for the Respondent Nos.1 to 4.

CORAM : R. M. SAVANT, J.
DATE : 18th February 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 01/07/2014 passed by the learned Joint Civil Judge, Senior Division, Kolhapur by which order the Application (Exhibit 20) filed by the Respondent No.5 herein for its impleadment in the suit in question came to be allowed and the Respondent No.5 was directed to be impleaded as party Defendant to the suit. The Plaintiffs are the stall holders outside the temple complex which is under the control and management of the Respondent No.5 Trust. The Plaintiffs have filed the suit without arraying the Respondent No.5 as party Defendant to the suit and the Respondents arrayed are the State of Maharashtra and its officers on the ground that the land is a forest land. The application (Exhibit 20) was founded on the fact that the land appurtenant to the temple is vested in the Trust, and therefore, the presence of the Respondent No.5 is necessary for proper adjudication of the suit.

2 The Trial Court considered the said application and having regard to Order I Rule 10 of the Code of Civil Procedure and the principles applicable thereto deemed it appropriate to allow the application (Exhibit 20).

3 Having regard to the afore stated facts, no fault can be found with the order passed by the Trial Court allowing the said application (Exhibit 20). No case for interference in the writ jurisdiction of this Court is therefore made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]