

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1148 OF 2016

**Jagdish Prakash Dodke and another Vs. Radhakishan Daduram
Dodke and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.R.Shirsat, advocate for the Petitioners.
Mr.V.P.Golewar, advocate for Respondent No.1.

CORAM : S.V.GANGAPURWALA, J.
Date : 21.03.2016.

PER COURT :

1. Heard.
2. The application filed by the petitioners for adding them as parties is rejected.
3. Mr.Shirsat, learned counsel for the petitioners submits that the plaintiff has entered into an agreement with the present petitioners in respect of suit property S.No.381. The plaintiff and defendants if they collude with each other, the right of the present petitioners would be affected. The petitioners are necessary parties in the suit. The decision would affect the right of the present petitioners.
4. The petitioners are claiming on the basis of agreement

executed by the plaintiff in his favour, whereas the suit is filed for declaration and possession. The Court has rightly observed that the petitioners can establish their right against the plaintiff by filing separate suit. In the present suit, the present petitioners can not get any relief. Considering the nature of the claim and the suit, the petitioners are not necessary parties.

5. In light of the above, the Writ Petition is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt.21.03.2016.
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