

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

WRIT PETITION NO. 3101 OF 2016

Shrikrishna Mandir Trust

... Petitioner

Versus

Latur Municipal Corporation and another ... Respondents

.....
Mr. S. V. Natu, Advocate for petitioner
.....

CORAM : SUNIL P. DESHMUKH, J.

DATE : 21st MARCH, 2016

ORDER :

1. Heard learned counsel for the petitioner.
2. Learned counsel refers to various aspects involved in the matter and submits that being a member of '*Burud Samaj Sahakari Grurnirman Sanstha*' may not a justification to add respondent No.2 as a party to the suit.
3. The trial court has considered the application pursuant to Order I, Rule 10 of the Code of Civil Procedure, 1908. It appears to be the contention of respondent No.2 that the trust has brought up a structure over part of open space of housing society. The housing society does not appear to be a party to the litigation.

4. Having regard to the nature of the dispute as has been raised wherein Municipal Corporation appears to have issued notice for demolition of the structure of temple, litigation ensued in the form of present suit being dealt with by the trial court. In this context the application Exhibit-9 appears to have been considered.

5. Having regard to the facts and circumstances, particularly that in its discretion the trial court has considered that presence of respondent No.2 would be necessary for factual adjudication in the matter.

6. In the circumstances, it does not appear to be a case wherein discretion is exercised in breach of any judicial principles and as such, I refrain from entertaining the writ petition.

7. Writ petition, as such, stands rejected.

(SUNIL P. DESHMUKH, J.)

sms