

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

WRIT PETITION NO. 3122 OF 2016

Vishnu Rambhaji Pansambal and others ...PETITIONERS

versus

Ashok Bhagwanrao Rajhans and others ...RESPONDENTS

.....
Mr. Vijay A. Dhakane, Advocate for petitioners
Mr. R.R. Totla, Advocate for respondent No. 6
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 21st MARCH, 2016.

Order :-

1. This writ petition has been moved by defendants no. 5, 6, 7, 7A and 7B i.e. purchasers against order dated 09-06-2015 below Exhibit-1 in regular civil suit no. 7 of 2008 passed by civil judge, junior division, Shirur (K) whereunder certain persons are added as parties - defendants to the suit.

2. According to learned counsel for petitioners Mr. Dhakane, said persons cannot be said to be necessary parties to the suit for adjudication of *lis* among the original parties to the suit. Learned counsel for petitioners contends that such an order has been passed when the judgment was about to be delivered. Learned counsel further submits that the impugned order does not spell out any prejudice that would be caused by non addition of the parties, in the process length of *lis* would be procrastinated.

3. However, having regard to the nature of suit which is for partition and separate possession and for effective adjudication presence of said persons, who appear to be related to parties as referred to, has been considered to be apt, by the court in its discretion and as such they appear to have been directed to be added as necessary parties to the suit.

4. In the circumstances, writ petition does not appear to carry any weight.

5. Writ petition stands rejected.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK