

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

WRIT PETITION NO. 2544 OF 2016

1. Keshav Vishwanath Gaikwad
Age: 59 years, Occu.: Labour.
2. Sumanbai Asaram Gangavane
Age: 59 years, Occu.: Labour.
3. Subhadrabai Yadavrao Shinde
Age: 64 years, Occu.: Labour.
4. Ashok Damu Sukhdhan
Age: 64 years, Occu.: Labour.
5. Maheboob Hasan Qureshi
Age: 74 years, Occu.: Labour
6. Kadar Ajj Tade
Age: 69 years, Occu.: Labour.
7. Rauf Janemiya Tade
Age: 74 years, Occu.: Labour

All residents of Gat No. 175,
Mauje Waladgaon, Tq. & Dist. Aurangabad.

..PETITIONERS

VERSUS

1. The Maharashtra Industrial Development Corporation,
Through its Regional Officer,
Railway Station Road, Aurangabad.
2. Laxman Yadavrao Shinde
Age: 49 years, Occu.: Labour,

R/o Gat No. 175, Mauje Waladgaon,
Tq. & Dist. Aurangabad.

..RESPONDENTS

WITH
WRIT PETITION NO. 7805 OF 2013

1. Keshav Vishwanath Gaikwad
Age: 57 years, Occu.: Labour.
2. Sumanbai Asaram Gangavane
Age: 57 years, Occu.: Labour.
3. Subhadrabai Yadavrao Shinde
Age: 62 years, Occu.: Labour.
4. Ashok Damu Sukhdhan
Age: 62 years, Occu.: Labour.
5. Maheboob Hasan Qureshi
Age: 72 years, Occu.: Labour
6. Kadar Ajij Tade
Age: 67 years, Occu.: Labour.
7. Rauf Janemiya Tade
Age: 72 years, Occu.: Labour

All residents of Gat No. 175,
Mauje Waladgaon, Tq. & Dist. Aurangabad.

..PETITIONERS

VERSUS

1. The Maharashtra State Road Transport Corporation,
Through its Regional Manager,
Aurangabad.
2. Laxman Yadavrao Shinde
Age: 49 years, Occu.: Labour,

R/o Gat No. 175, Mauje Waladgaon,
Tq. & Dist. Aurangabad.

..RESPONDENTS

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Mr. D.P. Palodkar, Advocate for petitioner.

Mr. S.S. Dande, Advocate for Respondent No.1 in WP 2544/16.

Mrs. Ranjana D. Reddy, Advocate for Respondent No.1 in WP 7805/16.

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CORAM : T.V. NALAWADE, J.

DATED : 22nd NOVEMBER, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard both sides by consent for final disposal.

2. It appears that three suits are filed before the Civil Judge, Junior Division, Aurangabad for relief of perpetual injunction in respect of same property – Gut No. 175. It appears that defendant wants to prove that said property was allotted to him by the Collector. In the past the Collector was made party defendant in the suit in view of contentions made against him but this order was challenged in Writ Petition No. 7325 of 2013 (Meerabai Laxman Gaikwad Vs. The Regional Officer) and by order dated 09th January, 2014 said order came to be set aside. This Court observed that for proving of said contention and other contentions, the Collector can be called as witness.

3. In view of this circumstance and as the defendant has filed proceeding for clubbing of the three suits, learned Counsel for petitioner submitted that the Collector needs to be deleted from the suit as party defendant in remaining two suits and for such relief, two proceeding are filed. In view of order already made in aforesaid writ petition and submissions made, this Court holds that both the petitions need to be allowed.

4. Petitions are allowed. Order making Collector as party defendant is set aside. Statement made by petitioner that the petitioner will have no objection for clubbing all three suits is recorded. Rule made absolute in those terms.

(T.V. NALAWADE, J.)

SSD