

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 8592 OF 2015**

SHRIKANT SAHEBRAO KADAM
VERSUS
MUNICIPAL COUNCIL, BEED AND OTHERS

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Advocate for Petitioner : Mr. Deshmukh Sachin S.

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CORAM : P.R. BORA, J.
Dated: January 13, 2016

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PER COURT :-

The order dated 08.07.2014 passed by the learned Joint Civil Judge, Junior Division, Ambejogai below Exhibit-1 in Regular Civil Suit No. 27/2008 is questioned in the present Petition.

2. The aforesaid Civil Suit has been filed by the present petitioner against the Municipal Council, Ambejogai i.e. Respondent No.1 in the present Petition. Present Respondent Nos. 2 and 3 filed an application in the aforesaid Civil Suit vide Exhibit-31 seeking their

impleadment in the said suit as the defendants. The petitioner had opposed the said application. The learned trial Court has however allowed the said application and has directed impleadment of the present Respondent Nos. 2 and 3 as defendant nos. 2 and 3 in the said Civil Suit.

3. Shri Sachin Deshmukh, the learned counsel appearing for the petitioner submitted that, merely relying on the 7/12 extract the learned trial Court has allowed the impleadment of Respondent Nos. 2 and 3 as defendants in the suit filed by the petitioner. The learned counsel submitted that, the suit filed by the petitioner before the trial Court is a simplicitor injunction suit and in such circumstances, it was not necessary to allow the impleadment of Respondent Nos. 2 and 3.

4. I have perused the application at Exhibit-31 filed by the present Respondent Nos. 2 and 3 before the

trial court and order passed on the said application dated 08.07.2014, which has been impugned in the present Petition.

5. The material on record reveals that, it was the case of Respondent Nos. 2 and 3 before the trial Court that, their rights are involved in the subject property and they were interested parties so far as subject property is concerned. The learned trial Court in the impugned order has referred to the documents filed by the intervenors i.e. Respondent Nos. 2 and 3 in the present Petition, which include the measurement map and 7/12 extract of the subject property. Relying on the said documents, the trial Court has arrived at a conclusion that, the right and interest of the Respondent Nos. 2 and 3 is involved in the suit property and that was the reason that he allowed their application for impleadment as defendants. I do not see any reason to interfere in the order so passed. The Petition is devoid of any substance. Hence the following

order :-

ORDER

The Petition is rejected.

(**P.R. BORA, J.**)

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