

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

WRIT PETITION NO. 12881 OF 2016

Kharvandi Primary Co-operative
Society Ltd., Tq.Newada,
District Ahmednagar ...Petitioner

VERSUS

The Collector, Ahmednagar& ors. ...Respondents

.....
Shri H.D.Deshmukh, advocate for petitioner
Shri Y.G.Gujarati, A.G.P. for respondents
.....

CORAM : S.V.GANGAPURWALA, J.

DATED : 16th January, 2017

O R D E R :-

Mr. Deshmukh, learned counsel for the petitioner submits that though the petitioner individually claims to be owner of the suit property, still measurement is carried out at the behest of respondent no.4. So the other owners of the remaining property were sought to be added as

parties, they would be proper parties. Though the petitioner does not claim any relief against the proposed parties, still their participation would be necessary in the proceedings.

2. The learned A.G.P. states that the Trial Court has rightly considered the entire aspect and has rejected the application.

3. The persons who are proposed to be added as parties are not concerned with the suit property even as per the contention of the petitioner/plaintiff. The plaintiff claims to be independently and individually owner of the suit property. In that case, the proposed parties are neither necessary nor proper parties. The petitioner can examine those persons as witnesses to substantiate its case, if so required.

4. In the light of above, no case for interference is made out.

5. Writ Petition is dismissed. No costs.

(S.V.GANGAPURWALA, J.)

dbm/wp12881.16