

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

WRIT PETITION NO.1421 OF 2018

Sanjay Baba Khengat

... Petitioner

Versus

Khandu Motiram Chobhe & others

... Respondents

Mr.S.S.Kulkarni, Advocate for the Petitioner.

Mr.N.V.Gaware, Advocate for Respondent No.1.

Coram : N.M. Jamdar, J.

Date : 30 November 2018.

Oral Order:

1. Heard learned counsel for the parties.
2. By this petition, the petitioner has challenged the order passed by the learned Civil Judge, Junior Division, Ahmednagar rejecting the application for impleadment in the suit filed by respondent-plaintiff.
3. The suit is filed by respondent-plaintiff praying that the

road forcibly opened by defendant through their land should be restored. In the suit, petitioner filed an application contending that he uses the road and he would be seriously prejudiced if relief is not granted. Same argument is advanced in this petition.

4. The petitioner claims an easementary right, which, the petitioner will have to establish by instituting substantive proceedings. Therefore, the learned Civil Judge was not in error in rejecting the application. Needless to state that rejection of the application will not preclude the substantive rights of the petitioner and the recourse to the remedy to institute proceeding in furtherance of his substantive rights, if any.

5. With these observations, the petition is disposed of.

N.M. Jamdar, J.