

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2069 OF 2018

BHAGABAI BAJARANG CHATE
VERSUS
GOVIND BAJARANG CHATE AND OTHERS

Advocate for Petitioner : Mr. L.H. Kawale.
AGP for Respondent Nos. 2 to 5 : Mr. V.S. Badakh.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 20th February, 2018

PER COURT :

1. The petitioner/applicant had moved application Exhibit 18, in R.C.S. No. 236/2017, contending that she was the step mother of the original plaintiff and since, agricultural land is the suit property, she has a share in the same and cannot be left out from the array of defendants. She had, therefore, prayed for being added as a defendant and the Trial Court, vide the impugned order dated 06/12/2017, has rejected application Exhibit 18.

2. It is jointly submitted that respondent Nos. 2 to 5 are the revenue authorities and respondent Nos. 6 to 8 along with the revenue authorities are the defendants. Respondent No. 1 is the only contesting party in so far as the instant cause of action is concerned. The

defendants had not opposed Exhibit 18 and it was only the plaintiff who had opposed the said application.

3. Learned counsel appearing on behalf of the plaintiff submits on instructions that the impugned order can be set aside by consent and application Exhibit 18 can be allowed so as to array the petitioner as defendant No. 4 and the plaintiff would carry out the said amendment.

4. Considering the above statement, this petition is allowed by consent. The impugned order dated 06/12/2017, is set aside and application Exhibit 18 is allowed on the consent of the plaintiff. He shall proceed to array the petitioner herein as defendant No. 9.

5. It is jointly informed that the suit is before the Trial Court tomorrow. The plaintiff would add the petitioner herein as defendant No. 9 on 01/03/2018. The petitioner agrees to appear before the Trial Court on 01/03/2018 and hence, formal notice need not be issued to the added defendant.

(RAVINDRA V. GHUGE, J.)