

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

3. WRIT PETITION No. 9678 OF 2018

Navalkumar Sitaram Bakliwal ... Petitioner
Versus
Nanded Education Society, Nanded and others ... Respondents

Mr. U.B. Bilolikar, Advocate for petitioner

Mr. Q.R. Syed, Adv. h/f. Mr. G.R. Syed, Adv. for respondent No.3

Coram : N.M. Jamdar, J.

Date : 3 December 2018.

PER COURT:

1. By this petition, the petitioner has challenged the order passed by the I Joint Civil Judge (Junior Division), Nanded, below application Exhibit No. 83 in Regular Civil Suit No. 573 of 2017 dated 4 June 2018 rejecting his prayer to join himself as party-defendant in the suit.

2. The learned Counsel for the petitioner contended that the petitioner has right in the suit property and the reliefs claimed in the suit will affect his rights. It is contended that the petitioner has also filed an independent suit.

3. The petitioner, by this application has put the respondent/ plaintiff to notice that he has claimed rights in the suit property. The learned Judge has rejected the application. The plaintiff has consciously chosen not to join the petitioner as party-defendant in the suit, for whatever be the reason. The consequence therefore, is that the decree and order that would be passed in the suit filed by the respondent/plaintiff would not bind the petitioner, since he is not made a party defendant in the said suit. In the circumstances, the substantive rights of the petitioner are not affected by the impugned order. The writ petition need not be entertained and is accordingly disposed of.

N.M. Jamdar, J.