

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

920 WRIT PETITION NO. 11845 OF 2018

Kamlakar Sahebrao Patil

... Petitioner

Versus

Shrikant Shankarrao Chhindam & Ors.

... Respondents

...

Mr. Mr. Anjanwatikar Vinay B, Advocate for the Petitioner

...

Coram : N.M. Jamdar, J.

Date : 28 November 2018

Oral Order:

1 By this petition, the petitioner, who is a defendant in the suit, has challenged the impleadment of the another defendant. The order of impleadment is not challenged by the original plaintiff. It is the contention of the petitioner that this impleadment is by way of collusion, it is the plaintiff who in the carriage of the proceedings and generally it is his choice as to who should be added as defendants.

2 The contention of the petitioner that there is a collusion between the petitioner and the added defendant, is something, which is a defence of the defendant. If he has pleaded the same, it is always

open to the petitioner/defendant to prove the same at the time of trial. With these observations, the Writ Petition is disposed of.

N.M. Jamdar, J.

Sameer//