

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

939. WRIT PETITION No. 12536 of 2018

Sarang S/o Yadav Borse	...	Petitioner
Versus		
Kadudas S/o Namdeo Borse and others	...	Respondents

Mr. S.M. Kshirsagar, Advocate for petitioner.

Mr. S.B. Pulkundwar, Asstt. Govt. Pleader for respondent No. 5

Coram : N.M. Jamdar, J.

Date : 21 November 2018.

ORAL ORDER:

1. Heard learned Counsel for the petitioner.
2. Petitioner/defendant No.4 had made an application that the Tahsildar, who has been joined as defendant No.5 in the suit filed by respondent No.1/plaintiff, should be deleted. The learned Civil Judge has considered said objection and has held that the only reason for which the petitioner wants to delete defendant No.5 in the suit is, he wants the change of jurisdiction of the Court. The learned Civil

Judge upon perusal of the application, has found that the prayer of the petitioner cannot be accepted; even otherwise, it is for the plaintiff to decide as to whom he should join party as party defendant to the suit. The petitioner can always advance such arguments, which are available in law and fact in respect of jurisdiction of the Court at the time of hearing of the suit. In view of this position, no interference is warranted in writ jurisdiction.

3. Writ petition is accordingly disposed of.

N.M. Jamdar, J.