

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

WRIT PETITION NO. 11279 OF 2019

**LAXMAN UDDHAV PAWAR
VERSUS
RASHIDAKHANAM MAKSOODKHAN**

...
Advocate for the Petitioner : Shri P. N. Kalani

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th SEPTEMBER, 2019.

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PER COURT :

1. The petitioner who is original plaintiff in Regular Civil Suit No. 34/2015, is aggrieved by the order dated 18/01/2019 passed by the Trial Court, by which, his application Exhibit 118 seeking addition of the Municipal Corporation, Parbhani, as a defendant, has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner, have perused the twelve grounds formulated in the memo of the petition and I have gone through the petition paper book with his assistance.

3. The grievance of the petitioner is that the Municipal

Corporation has deleted the name of the petitioner's mother from property No. 121/2013 in Ward No. 11.

4. The suit has been filed by the petitioner for demarcation of boundaries between land Survey No. 441 and 445 at Parbhani, for fixing the boundaries and for preparation of the sketch map to find out whether there is any encroachment by the defendants over land Survey No.445. The Municipal Corporation is nowhere in the picture. Removal of the name of the petitioner's mother from the revenue record is a different cause of action. The Municipal Corporation is neither an answering defendant nor a necessary party since there are no pleadings against it, no reliefs are sought against it and it has no role in the pending suit. I, therefore, find that the Trial Court has rightly rejected Exhibit 118.

5. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-