

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.7641 OF 2018

KRUSHI UTPANNA BAZAR SAMITI DONDAICHA THROUGH ITS
SECRETARY

VERSUS

VIJAYSING NATHESING RAJPUT AND OTHERS

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Advocate for Petitioner : Mr. Santosh b. Bhosale h/f
Mr. Brahme Shailesh P.

Advocate for Respondent Nos. 1, 2 & 4 : Mr. B. R. Warmaa

Advocate for Respondent Nos. 6 : Mr. N. N. Desale

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CORAM : V. K. JADHAV, J.

DATED : 06th November, 2019

PER COURT:-

1. Heard finally with consent.
2. I find no substance in this Writ Petition. Though the application Exhibit 125 stated to have been filed before the trial court under Order VI Rule 17 of the Civil Procedure Code, the said application has been filed under Order I Rule 10 of C.P.C. for impleading 18 persons as party defendants in the suit. It appears that the suit has been instituted challenging the construction made illegally by the present petitioner over a public place. The petitioner Agricultural Produce Market Committee has made the

construction of a shopping complex. It is the case of the petitioner that the shops in that complex have been allotted to those 18 persons as mentioned in the application Exhibit 125 and as such, they are the necessary parties. Learned counsel for the respondent/ original plaintiff has pointed out paragraph no. 7 of the order passed on Exhibit 125 wherein the court below has observed that in terms of the pursis Exhibit-74 dated 21.07.2012, those persons have been allotted the shops on monthly basis and as such they are not permanent lease holders. In view of the same, I find no fault in the order of the trial court dated 20.03.2018 rejecting the application Exhibit 125. There is no substance in this Writ Petition. The Writ Petition is hereby dismissed.

(V. K. JADHAV, J.)

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