IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO.11768 OF 2019

SANJAY BALAJI GADE AND OTHERS
VERSUS
CHUDAMA GANGADHAR PHALAK AND ANOTHER
...
Advocate for Petitioners : Shri Patil Atmaram J.
...
CORAM : RAVINDRA V. GHUGE, J.
Dated: September 30, 2019
...

PER COURT :-

1. The petitioners are the original defendants 1 to 7 in RCS No.65 of 2010. They are aggrieved by the order dated 10.4.2019, passed by the trial Court, by which, their application Exhibit 114, filed under Order I Rule 10 of the CPC for adding the District Collector and the Town Planning Officer, Jalgaon as necessary defendants, has been rejected.

2. The learned Advocate for the petitioners has strenuously criticized the impugned order and has relied upon the five grounds formulated in the memo of the petition. It is further contended that these petitioners have amended their written statements and it is indicated that the District Collector and the Town Planning Authority are necessary parties.

3. I find from the prayers put-forth below paragraph No.12 by the original plaintiffs that they have sought a declaration that the defendants have no right or interest in the suit property. It is also prayed that the well situated in the suit properties be declared as not belonging to the defendants. The defendants have not filed any counter claim. There are no prayers against the District Collector and the Town Planning Officer.

4. Considering the above and keeping in view the prayers and the cause of action, I do not find that the impugned order could be branded as being perverse or erroneous.

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

(RAVINDRA V. GHUGE, J.)

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