

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CIVIL APPLICATION NO.11679 OF 2019
IN WPST/24819/2019

SHAHAJI RAJARAM SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

Advocate present

CORAM: H.M.BHOSALE
REGISTRAR (JUDL)

DATED: 30/09/2019

1. Heard the learned advocate for the applicant. He submits that respondent nos.4 to 6 are neither necessary nor proper parties to the petition. Therefore, he has sought permission to delete their names.

2. Having considered the entire record, more particularly impugned order, apparently it seems that respondent no.6 is a beneficiary under the execution proceedings, therefore, at this stage, it would not be just and proper to delete her name. Having regard to the restraints on the power of the Registrar (Judicial), I restrict myself from passing order whether she is necessary or proper party. The learned advocate for the applicant is at liberty to obtain necessary leave from the Court to delete the name of respondent no.6.

3. As far as respondent nos.4 and 5, they are brothers of the applicant. They are not beneficiaries under the impugned order. The applicant is not seeking any relief against them, in other words, there is no contest.

4. By virtue of the provisions under Chapter II Rule 3 sub-clause (c), the Registrar (Judicial) is empowered to delete name of the parties, if there is no contest.

5. In turn, the applicant is permitted to delete the name of respondent nos.4 and 5. C.A. stands disposed of.

REGISTRAR (JUDL)