

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

CIVIL APPLICATION NO.14383 OF 2018
IN WP/9872/2017

GOVIND BAJRANG CHATE
VERSUS
SHYAMSUNDAR GOPAL CHATE AND OTHERS

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Advocate for the Applicant : Shri Maney V.M.
Advocate for Respondent 1 : Shri G.K.Naik Thigale
AGP for Respondents 2 and 3 : Shri S.R.Yadav
Advocate for Respondent 4 : Shri A.P.Deshmukh h/f Shri S.S.Deshmukh

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 27th September, 2019

Per Court:

1 The Applicant (Govind Chate) desires to be arrayed as respondent no.4 in the writ petition.

2 I have heard the learned advocates for the respective sides.

3 The brief facts emerging from the record indicate that Bajrang Chate has sold a parcel of the land to the original petitioner (Shyamsunder Gopal Chate). Bajrang Chate died in 1998. The son of Bajrang, Pandurang raised a complaint in 2008 under the earlier Money Lending Act. It is informed that an earlier complaint filed by Pandurang under the Bombay Money Lenders Act was rejected. He has filed a fresh complaint in 2012 and that is the subject matter of litigation.

4 I find that Pandurang was the original complainant. Since he is the complainant and the Applicant (Govind Chate) never attempted to file the complaint against the petitioner (Shyamsunder) and also did not join Pandurang, after a passage of 10 years, it would be inappropriate to allow Govind Chate to be arrayed as a respondent in the writ petition. His remedy as regards his share in the land sold by Bajrang to Shyamsunder can be dealt with in the proceeding as may be permissible in law. However, he cannot become the complainant after 10 years.

5 In view of the above, this Civil Application is rejected.

6 List Writ Petition No.9872/2017 on 06.11.2019 for admission hearing. Interim relief granted would continue.

kps

(RAVINDRA V. GHUGE, J.)