

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1357 OF 2019
(Raosaheb s/o Mango Patil Vs. Abdul Rajjaq Abdul Gani and others)

Mr.Y.B.Bolkar, Advocate for the petitioner.
Mr.Ajinkya Deshmukh h/f Mr.A.V.Hon, Advocate for respondent Nos.
2 to 4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/07/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 17/10/2018 passed by the Trial Court, by which application Exh.27, filed by the petitioner, seeking addition to Spl.C.S.No.1/2018 under Order I Rule 10 of the CPC, has been rejected.

2. The grievance of the petitioner is that he has noticed that defendant Nos. 1 to 4 and defendant No.5 are hands in gloves. A property, which is worth its value of about 70 to 80 lacs, is sought to be disposed off by the office bearers of the Society at a throw away price. The plaintiff is a person, who has filed the suit, volunteering to purchase the property for Rs.69,91,000/-. He has then executed an affidavit in the suit indicating that he is willing to purchase the said suit property for an amount of Rs. one crore.

3. I find from the record that the District Deputy Registrar, Co-operative Society has granted permission to defendant No.1 Jalgaon District Government Servants Co-operative Credit Society Limited, Jalgaon to sell the property situated at C.S.No.2628 and 3416 which has an old building standing, for an amount of Rs.69,91,000/-. The suit has been preferred by the plaintiff who appears to be willing to purchase the property at about Rs. one crore. This aspect is bound to be considered by the Trial Court while deciding the suit. The intervention of the petitioner in his capacity of being a member of the Society cannot be entertained for the reason that the said society has more than 1000 members. If each one decides to participate in the legal proceedings, it would create a chaotic situation and it would amount to allowing persons to participate in legal matters, unwarrantedly.

4. The petitioner does not satisfy the definition of an answering respondent or a necessary party or a proper party in the pending suit. The Trial Court, in my view, has rightly rejected Exh.27.

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

(Ravindra V.Ghuge, J.)