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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12119 OF 2018

Smt. Ramabai Ambedkar Magasvargiya
Sahakari Sut Girani, Kodoli, Tal. Panhala ..Petitioner.
V/s.
The State of Maharashtra & Ors. ..Respondents.

Mr.N.V.Bandiwadekar I/b. Sagar A.Mane for the petitioner.

Mr.Ravi P.Kadam, AGP for the respondent No1-State.

CORAM : M.S.SONAK, J.

DATE : APRIL 23, 2019

P.C.:-

Heard Mr.Bandiwadekar, learned counsel for the petitioner and Mr.Kadam, learned AGP for respondent No.1-State.

2. Challenge in this petition is to the order dated September 21, 2017 by which learned trial Judge dismissed the petitioner's application seeking deletion of defendant No.6 from the array of parties.

3. Mr. Bandiwadekar, learned counsel for the petitioner submits that by order dated April 6, 2013, defendant No.6 was directed to be impleaded as a defendant in the suit upon a motion taken out by

defendant No.6. This order dated April 6, 2013 cannot be defeated by permitting the petitioner to now delete defendant No.6. At the stage of making the order dated April 6, 2013, learned trial Judge has already held that defendant No.6 is a necessary and proper party. The said order was never challenged by the petitioner. If the petitioner is now allowed to delete defendant No.6, then, it would virtually amount to setting aside the earlier order dated April 6, 2013.

4. For the aforesaid reasons, there is no case made out to interfere with the impugned order. The petition is, therefore, dismissed. There shall be no order as to costs.

(M.S.SONAK, J.)