

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.3889 OF 2020

MAHADEO LAXMAN MADANE
VERSUS
RAGHUNATH TUKARAM SHENDGE AND OTHERS

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Advocate for Petitioner : Shri Natu Sharad V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 11, 2020
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PER COURT :-

1. The petitioner / original defendant No.7 in RCS No.370 of 2012 is aggrieved by the order dated 3.1.2020, passed by the trial Court, by which, application Exhibit 175 filed by the petitioner seeking addition of a third party - Vishwanath Babuappa Rajude, has been rejected.

2. Shri Natu, the learned Advocate for the petitioner has strenuously criticized the impugned order. Contention is that though the plaintiff is claiming his ownership on the suit plot, on the basis of the sale deed dated 14.4.1991, executed by Pandurang Tukaram Shendge, the said original owner has executed a sale deed in favour of Vishwanath on 16.1.1981 and hence Vishwanath is a necessary party.

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3. The record reveals that the suit is at the stage of final arguments after an eight years' litigation journey. Viswhanath has already filed RCS No.490 of 2004, which has been abated. He has not extended his litigation any further. He is not in possession of the suit property. It appears that he has lost interest and has aborted litigation.

4. In view of the above, I find that the trial Court has assessed as to whether Vishwanath could be termed as a necessary party or a proper party. The impugned order cannot be branded as being perverse or erroneous.

5. As such, this petition is dismissed.

(RAVINDRA V. GHUGE, J.)

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