

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

WRIT PETITION NO.14329 OF 2017

SUBHASH RAGHUNATH GIRAME
VERSUS
DNYANDEV SADASHIV GIRME AND OTHERS

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Advocate for Petitioner : Mrs Zaware Suvarna M
Advocate for Respondent Nos.1, 6 to 11: Mr.Karpe R.R.

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CORAM : V.K. JADHAV, J.
Dated: February 11, 2020

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PER COURT :-

This Writ Petition can be disposed off by granting liberty to the petitioner/plaintiff to file an application under Order 1 Rule 10 (2) of the Civil Procedure Code not only against the persons mentioned in the application Exh.26 (proposed defendant nos. 6 to 11), but also for impleading those persons as a party defendants as mentioned in paragraph no.4 of the say filed by the proposed defendant nos.6 to 11 vide Exh.36. Hence, I proceed to pass the following order.

O R D E R

I. Writ Petition is hereby partly allowed.

aaa/-

- II. The impugned order dated 31.10.2017 passed by the learned Civil Judge S.D.,Shrirampur below Exh.26 in Regular Civil Suit No.107 of 2014 is hereby quashed and set aside.
- III. The petitioner/plaintiff is at liberty to file an application afresh, in terms of the observations made here-in-above, propose to implead therein as party defendants, respondent nos.6 to 11 herein and also the persons as named in paragraph no.4 of the Say filed by those proposed defendant nos. 6 to 11 Exh.36.
- IV. Petitioner/plaintiff is at liberty to file a detail application specifying about the encroachment, if any, made by each of those persons, if possible, and, upon filing such an application, after giving opportunity of being heard to both the parties, the trial court shall decide the said application afresh, on its own merits.

(V.K. JADHAV, J.)

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