

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

WRIT PETITION NO.2116 OF 2014

HARIBHAKTI AND COMPANY DEPARTMENT
VERSUS
RAJESH SURESH CHAURASIA AND OTHERS

...

Advocate for Petitioners : Mr. Bhargav Kulkarni h/f Mr. Kulkarni Bhushan B.
Advocate for Respondent Nos.1 & 2: Mr. Pramod F. Patni

...

CORAM : N. B. SURYAWANSHI, J.

DATE : 8th December, 2021

PER COURT :

. This petition is directed against the order passed by the learned 6th Joint Civil Judge, Junior Division, Aurangabad below Exhibit-34 in Regular Civil Suit No.950/2007, thereby allowing the application filed by the plaintiff under Order 1 Rule 10 of the Civil Procedure Code (for short "CPC"), permitting him to add his wife as plaintiff No.2 in the suit.

2. A Regular Civil Suit No.950/2007 is filed by the plaintiff/respondent No.1 for recovery of Rs.98,800/- alongwith interest on account of rental charges of the laptop provided by the plaintiff to the defendant. The suit was resisted by the petitioner/defendant by filing written statement. Recording of evidence commenced in the suit and after cross-examination of the plaintiff was over, application Exhibit-34 under

Order 1 Rule 10 of CPC was filed by the respondent/original plaintiff seeking to add his wife Mrs. Jyoti Rajesh Chaurasia as co-plaintiff. The said application is allowed after hearing the parties. The petitioner is aggrieved by the said order.

3. Heard the learned Advocate for the Petitioner and learned Advocate for the Respondents. After taking into consideration the averments in the written statement, the cross examination of the respondents/plaintiffs and the record of the suit, the trial court has rightly allowed the application filed by the plaintiffs. The trial court was justified in allowing the application so as to avoid multiplicity of the proceedings. The addition of plaintiff No.2 was necessary for effective determination of the real controversy between the parties. The trial court has passed a reasoned order and no illegality or perversity is found in the order impugned in the present petition. No case is made out by the petitioners to interfere in the impugned order in extraordinary writ jurisdiction. The writ petition is, therefore, dismissed. No costs.

4. Considering the fact that suit is of the year 2008, the trial court is directed to expedite the suit.

(N. B. SURYAWANSHI, J.)