

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

906 CIVIL APPLICATION NO.5087 OF 2021
IN WP/7246/2016

SHAFI HAJI GULAB KHATIK DECEASED THR LRS HASEENABI SHAIKH
SHAFI KHATIK AND OTHERS
VERSUS
HABBU GULAB KHATIK DIED THROUGH LRS SAHNAZBEE HABBU KHATIK
AND OTHERS

...
Advocate for Applicants : Mr. L.V. Sangeet h/f. Sangeet Minakshi L.
Advocate for Respondents : Mr. K.P. Chaware
...

CORAM : M.G. SEWLIKAR, J.
DATE : 13.07.2021

PC.:-

This application is filed by the petitioners for adding Municipal Council as a party.

2. Petitioners have filed this petition challenging the rejection of application for amendment in R.C.S. No.29/2012 filed by them in the Court of C.J.J.D., Jalgaon. Shri Sangeet submits that the said suit is for declaration that the sale-deed is not binding to the extent of share of the plaintiff-petitioner herein. He submits that he has sought amendment in plaint which came to be rejected by the learned trial Court. He has, therefore, challenged the said order in this writ petition.

3. Shri Sangeet submits that the suit is now transferred to C.J.J.D., Chalisgaon. He submits that Municipal Council, Chalisgaon has issued a notice to the petitioners asking them to furnish papers showing their ownership over the suit property survey no.5044/1. He has, therefore, filed this application for adding the Municipal Council as a respondent.

4. This writ petition is preferred against the order of rejection of amendment application. Suit is for declaration, partition and separate possession. This is an independent cause of action. Therefore, Municipal Council cannot be added in this writ petition. Applicants are at liberty to take appropriate legal recourse. Application with these observations is disposed of.

[M.G. SEWLIKAR, J.]