

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CONT. PETITION NO.429 OF 2020
IN SA/193/1990 WITH CA/8139/2020 IN CP/429/2020

SURESH GOPIKISHAN PUROHIT
VERSUS
SIDDESHWAR CHUNNILAL DAUBHAL AND OTHERS

...
Advocate for Petitioner : Mr. Sanjeev B. Deshpande
AGP for Respondents-State : Mr. S. B. Narwade
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 18-01-2021

ORDER :

- . Heard learned Advocate for the petitioner.
2. Civil Application No.8139 of 2020 has been filed to amend the contempt petition. By this application, applicant – petitioner prays for leave to add Tahsildar, Bhokardan as respondent No.5, so also paragraph No.11-A. It has been contended on the basis of the documents which have been tendered across the bar that the Tahsildar had issued notice to the petitioner on 07-09-2020 to which the petitioner had given written reply. Every fact was made known to the petitioner that as per the decree and decision in the further appeals, it has been held that the present applicant - petitioner is the possessor of the 6 Acres of the land, which was the suit property therein and in respect of the same, the

Tahsildar, in spite of the said written say, went on to measure the land and inspect it in respect of cultivation. Say of the applicants therein i.e. present respondents would also clarify that the application, which they had made before Tahsildar/Talathi, was in respect of that disputed 6 Acres of land. Therefore, taking into consideration the fact that it is coming on record *prima facie* that the connection has been established and further it is the say of the petitioner that respondent No.4 acted on the direction of Tahsildar, definitely Tahsildar would be a necessary party and, therefore, the amendment deserves to be allowed. Accordingly, it is allowed.

3. Accordingly, civil application No.8139 of 2020 stands allowed and disposed of.

4. Amendment to be carried out immediately.

5. Issue simple notice to respondent Nos.1 to 5, returnable on 08-02-2021.

[SMT. VIBHA KANKANWADI, J.]

scm