

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5271/2021

Meghashyam s/o Hiralal Pansari

...Versus...

Shri Sant Sakharam Maharaj Sansthan, Loni (Bk.), Tq. Risod, Distt. Washim,
Wahivatdar – Shri Ramkrishna Govind Joshi Lone (Bk.) and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri V.K. Paliwal, Advocate for petitioner
Ms N.P. Mehta, AGP for respondent nos.2 to 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/12/2021

1. Heard Shri Paliwal, learned Counsel for the petitioner, who challenges the impugned order dated 29/01/2020, passed by the learned Trial Court, allowing the applicant therein to be impleaded as a party defendant to the suit. Shri Paliwal, learned Counsel for the petitioner submits that the impugned order does not indicate that the applicant, who claimed to be interested in the suit, whether is a registered Sansthan/Trust, as there is no document in that regard placed on record.

2. It is, however, material to note, that the applicant in the application at Exh.50 itself has stated that

the applicant is a private religious Trust and has been using the land, which is the subject matter of the suit, for performing religious functions since ages. This position has been recorded in the order of the Collector, Washim dated 27/02/2009, considering which, it cannot be said that the applicant is not a proper and necessary party as any declaration of right in respect of the land, which is the subject matter of the suit, would equally affect the entitlement of the applicant, to use the land in question, in view of which, I do not see any infirmity in the impugned order. The writ petition is therefore dismissed. No costs.

(AVINASH G. GHAROTE, J.)

Wadkar