

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

947 WRIT PETITION NO.3380 OF 2020

**MANGALA PANNALAL MURKYA
VERSUS
OMPRAKASH JAGANNATHJI DAGA AND OTHERS**

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Advocate for Petitioner : Mr.Barde Parag Vijay
Advocate for Respondent No. 10 : Mr.Deshpande S.R.
Advocate for Respondent Nos. 5 and 6 : Mr.Yadkikar Amit A.

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CORAM : SANDEEP V. MARNE, J.

DATE : 18.10.2022.

PER COURT :

1. The petitioner assails the order dated 08.01.2020 passed by the Civil Judge, Junior Division, Parbhani on the application Exh. 43. By that application the petitioner/plaintiff had sought impleadment of "Assistant General Manager, Stressed Assets, Management" as defendant to the suit. The petitioner's application has been turned down on account of opposition by proposed defendant to that application.

2. It is a common ground that the State Bank of India has already been impleaded as defendant No. 9 to the suit and the proposed defendant has stepped into the shoes of the State Bank of India. The only ground on which the impleadment of applicant was opposed was the bar of jurisdiction under Section 34 of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002. The proposed defendant can raise objection of bar of jurisdiction once he impleaded to the suit.6 pt

3. To me, the proposed defendant appears to be a necessary party as he has stepped into the shoes of defendant No. 9.

4. Consequently, the order dated 08.01.2020 passed by the 4th Civil Judge, Senior Division, Parbhani is set aside. Plaintiff's application at Exh. 43 is allowed in terms of prayer made therein. Needless to state that the proposed defendant would be entitled to raise all objections as available in law.

5. The petition is allowed to that extent. No costs.

(SANDEEP V. MARNE)
JUDGE

mahajansb/