

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11265 OF 2022**

KALPANA ANIL CHAUDHARY AND ANOTHER
VERSUS
NAMDEO POLAD PATIL AND ANOTHER

...
Mr. P. V. Barde, Advocate for the Petitioners.

...
CORAM : SANDEEP V. MARNE, J.
DATED : 17th NOVEMBER, 2022.

PER COURT:-

1. The petitioners assail the order dated 21.01.2022 passed by the Civil Judge, Senior Division, Amalner rejecting the plaintiff's application for addition of her husband as co-plaintiff and to effect necessary amendment in the plaint. The suit is for cancellation of sale deed executed by the plaintiff in favour of the defendant. Admittedly, plaintiff's husband is not party to that deed. He was sought to be added only on the ground that the plaintiff is also a partner in a firm M/s. Kalpana Ginning and Oil Industries and that the husband used to look after the affairs of partnership firm. It is not even the case of the plaintiff that, the sale deed was executed by the by the said partnership firm. It is, therefore, incomprehensible as to why plaintiff's husband is a necessary party to the suit.

2. Amendment sought for by the plaintiff was nothing but a gross abuse of process of law and the same is rightly rejected.

3. The petition is devoid of merits and the same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE

Devendra/November-2022