

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

922 WRIT PETITION NO.11980 OF 2022

NITIN BABURAO VIDHATE
VERSUS
RAVINDRA CHAMPALAL KHIWASARA AND OTHERS

...
Mr.A.S. Londhe, Advocate for the Petitioner.
...

**CORAM : SANDEEP V. MARNE, J.
DATED : 01st DECEMBER, 2022.**

PER COURT:-

1. The petitioner assails the order dated 12th August, 2021 passed by 11th Joint Civil Judge, Senior Division, Aurangabad rejecting the petitioner's application for impleadment under Order 1 Rule 10(2) of the Code of Civil Procedure on application at Exhibit-19.

2. The petitioner is son of plaintiff no.2. Plaintiffs have filed the suit for injunction simplicitor claiming possession over the property. Only because the plaintiff no.2 is claimed to be at an advanced age and because the petitioner is son of plaintiff no.2, impleadment application was filed. It appears that the petitioner desired his impleadment as a plaintiff in the suit. The suit is for injunction based on possession. Mere addition of the petitioner as plaintiff would not suffice as he will then have to prove his possession over the property by making necessary averments. Such averments are absent in the plaint. In such circumstances, the application for impleadment has rightly been rejected by

the trial Court. The petition is devoid of merits and the same is dismissed without order as to costs.

(SANDEEP V. MARNE)
JUDGE

sga/-