

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

950 WRIT PETITION NO.9093 OF 2022

VILAS ZUMBRLAL BORA  
VERSUS  
RAJENDRA HARKCHAND BHANDARI AND OTHERS

Shri. P. B. Patil, Advocate h/f Shri. S. D. Nagode, Advocate for  
the petitioner

**CORAM : M. G. SEWLIKAR, J.  
DATED : 8<sup>th</sup> SEPTEMBER, 2022**

**PER COURT :-**

1. Heard.

2. The plaintiffs/respondent Nos. 2 to 4 herein filed suit for declaration and perpetual injunction. During the pendency of the suit the plaintiffs sold the suit property to the respondent No. 1. Respondent No.1 being assignee has filed application under Order 1 Rule 10 of the Code of Civil Procedure for addition as plaintiff. This application was allowed. The petitioner/defendant No. 15 has challenged this order.

3. Respondent No. 1 being the assignee, he is entitled to be added as plaintiff as he has purchased the suit property from

the original plaintiff Nos. 2 to 4. The party is necessary party when without his presence, the controversy in the suit cannot be effectively adjudicated upon. Since the respondent No. 1 has purchased the suit property from the plaintiff Nos. 2 to 4 during the pendency of the suit, their presence is absolutely essential for effective adjudication of the controversy involved in the suit. In this view of the matter, petition is devoid of any merit. Petition is, therefore, dismissed. No order as to costs.

**[M. G. SEWLIKAR, J.]**

ssp