

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

WRIT PETITION NO.9694 OF 2022

SHESHRAO VINAYAKRAO GAIKWAD DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR
AND OTHERS

...
Advocate for Petitioner : Mr. Balkhande Prakash V
AGP for Respondents/State: Mr. S. W. Munde

...
CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd September, 2022

PER COURT :-

1. In the suit filed by the petitioner/plaintiff for declaration that he is legal owner and possessor of suit properties and challenging mutation entries, the petitioner filed application Exhibit-32 under Order 1 Rule 10 of Code of Civil Procedure for adding defendant no.7, an infrastructure company, who has allegedly purchased excavated material from the suit property. The said application is rightly rejected by the Trial Court. The contention of petitioner that petitioner wants to claim damages from the said party, cannot be accepted. To decide the controversy in the suit, proposed defendant is neither a necessary nor a proper party. There is no illegality or perversity in the order impugned in the present petition. The writ petition, being devoid of merit, is dismissed.

[NITIN B. SURYAWANSHI, J.]