

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

WRIT PETITION NO. 10795 OF 2022

Tulshiram Baliram Wadhawankar
Since deceased through his L.Rs.
Avinash Tulshiram Wadhawankar
and others

.. Petitioners

Versus

Maroti Narsing Wadhawankar
and others

.. Respondents

Shri Ravibhushan P. Adgaonkar, Advocate for the Petitioners.
Shri V. G. Kodale, Advocate for the Respondent No. 1.

**CORAM : SANDEEP V. MARNE, J.
DATE : 17TH OCTOBER, 2022.**

FINAL ORDER :

. This petition is filed challenging order dated 08th August, 2022 passed below Exhibit 110 in R.C.S. No. 86 of 2015 by the 03rd Joint Civil Judge Junior Division, Ahmedpur rejecting petitioners' application for addition of defendants to the suit. The petitioners are also defendants to the suit.

2. It is trite that a plaintiff is *dominus litis* of his own suit. If the plaintiff has failed to add a necessary party to the suit, his suit will suffer the consequences. There is no occasion for the defendants to insist that some more defendants must be arrayed as parties to the suit.

3. The Trial Court has also recorded a finding that the proposed defendants have relinquished their rights in respect of suit property. Learned counsel for the petitioners seeks to dispute that finding. In my opinion, even if there is any dispute about factum of relinquishment of rights by the defendants that alone would not be a fit ground for directing addition of the proposed defendants to the suit.

4. Petition lacks merit. Same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

bsb/Oct. 22