

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

WRIT PETITION NO.13137 OF 2022

**AFSAR BEGUM MOHAMMAD MANZUR AHMED AND
OTHERS
VERSUS
PARVEZ AHMED SHAIKH IBRAHIM AND OTHERS**

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Mr. A. M. Inamdar, Advocate for the Petitioners.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 22nd DECEMBER, 2022.**

PER COURT:-

1. This petition is filed challenging the order dated 04.07.2022 passed by the 7th Joint Civil Judge, Junior Division, Beed rejecting petitioners' application for addition of parties in RCS No.343/2008.

2. I have perused the plaint in RCS No.343/2008. The suit is instituted by plaintiffs against defendants for injunction simplicitor.

3. Learned counsel appearing for petitioners submits that the suit property is Wakf property. However, there is no admission in the plaint to that effect. Before the Trial Court there is no issue as to whether property is Wakf property. Petitioners claim to be Mutavalli in respect of the suit property.

4. If petitioners have any rights qua the suit property they have to file their own proceedings to assert those rights. It is

well settled principle that plaintiff is *dominus litis* of his own suit and cannot be forced to seek relief against persons who are not impleaded to the suit. Any decree that may be passed in RCS No.343/2008 would bind defendants in that suit alone. The same would obviously not be binding petitioners.

5. The suit is already pending for the last 12 long years and at such a stage the application filed by petitioners for impleadment was clearly unwarranted. The Trial Court has rightly rejected the application of petitioners.

6. The petition is devoid of merits. The same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE