

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

18 WRIT PETITION NO.12556 OF 2022

MOHD. BASHEER ABDUL GAFFAR KOTHARI
VERSUS
ATMARAM ALIAS BABURAO NARAYAN TOKWAR AND OTHERS

...
Advocate for Petitioner : Mr. G.R. Syed
...

CORAM : SANDEEP V. MARNE, J.

DATE : 12-12-2022

PER COURT :

. By this petition, petitioner has challenged the order dated 10.03.2021 passed by 3rd Jt. Civil Judge Senior Division, Parbhani below Exh.30 in Regular Civil Suit No.134 of 2015 rejecting plaintiff's - petitioner's application for impleadment of four additional defendants. At the outset, it must be observed that the present petition is filed after inordinate delay of more than 1 ½ years. The impugned order is passed on 10.03.2021, whereas the present petition is filed on 02.12.2022. The petition deserves to be rejected on the ground of delay and laches alone.

2. I have heard the learned counsel for petitioner. After going through the application filed seeking impleadment of four additional defendants, it is clear that the application is absolutely

vague. The suit was originally filed against four defendants claiming that defendant no.1 and his two relatives (defendant nos.2 and 3) were interfering in the possession of the plaintiff over the suit property. By an application dated 12.10.2020 filed under the provisions of Order-I, Rule 10 (2) of the Code of Civil Procedure, vague averments were made that the mother and three brothers of defendant no.1 came on the suit property and attempted to destroy standing crop of Jowar. There were no averments in the application as to why the said persons are also required to be impleaded in the suit. The application has rightly been rejected by the trial Court.

3. In view of above, the writ petition deserves to be dismissed and is accordingly dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)

GGP