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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 28 OF 2019**

Shri Ambaji Nana Thakur

Dead Through Legal Heirs

1. Smt. Babybai Ambaji Thakur

and Ors.

....Petitioners

V/s

M/s. CIDCO Limited

and Others

.....Respondents

Mr. Rohit D. Joshi for the Petitioners.

Mrs. Vaishali Nimbulkar, AGP for Respondent No.3.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 21, 2022

P.C.:-

1] Heard.

2] Contentions of Counsel for the Petitioners are, relief is claimed against CIDCO and State Government. As such, proposed Defendants to the suit ought not to have been ordered to be impleaded. He would claim that Court below has misread the provisions of Order I Rule 10 of the Civil Procedure Code in given facts and circumstances of the case.

3] I have appreciated the aforesaid contentions in the light of the prayer of the Petitioners/Plaintiffs in the suit. In the suit, Petitioners

have specifically prayed that alleged illegal construction of the proposed Defendants may not be ordered to be regularized. In that view of the matter, if not necessary, they are proper parties to the suit. That being so, no case for interference under extraordinary jurisdiction is made out. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)