

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1374 OF 2020

Punam Dugdha Utpadak Vyavsayik Sahakari Sanstha Maryadit and anr __ Vs.
__ Kishor Marotrao Rewatkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.V.D.Muley, Advocate for petitioners
Mr. Sudhir Maolde, Advocate for Respondent

CORAM : AVINASH G. GHAROTE, J.
DATE : 11/10/2022

1] Heard Mr. Muley, learned counsel for the petitioner.

2] The petition challenges the order dated 7.1.2020 passed by the learned Court below whereby the application under Order I Rule 10 of the CPC filed at the appellate stage for joining Vijay Rewatkar and Vaishali Rewatkar as Respondent Nos. 2 and 3, on the ground that the respondents had filed the suit in collusion with his brother and wife on account of which they are necessary parties, has been rejected.

3] Though Mr. Muley, learned counsel for the petitioners submits that the persons to be added are proper and necessary parties on account of the fact that the vehicle in question was transferred in the name of sister-in-law of the plaintiff, this is the position, which

was all throughout known to the defendants/petitioners, in spite of which no such plea has been raised in the written statement before the trial Court nor any application for impleading them has been filed before the trial Court.

4] This being the position, merely on the basis of the allegation as indicated above, it is not permissible to have sought impleadment of the aforesaid persons as respondents in the appeal, on the ground of allegations of collusion. I therefore, do not see any merit in the petition. The same is dismissed. No costs.

JUDGE

Rvjalit