

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.1772 OF 2022

IN

WRIT PETITION NO.2626 OF 2017 (D)

(Rajesh Kumar Singh Chouhan s/o Ram Bahadur Singh Vs. Coal India Ltd. and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Sudame, Advocate for the petitioner.
Shri O.A. Ghare, Advocate for the respondents.

CORAM:- A.S. CHANDURKAR & URMILA JOSHI-PHALKE, JJ.
DATED :- SEPTEMBER 06, 2022.

Heard.

2. The present application is filed for speaking to minutes by the petitioner on the ground that the petition is dismissed on the count of non-joinder of necessary party. However, the applicant had in compliance of the order dated 18/06/2018 added Krishna Kumar Singh and Jivanlal R. Gaidhane as respondent Nos.4 and 5 respectively.

3. In the judgment dated 03/08/2022 in paragraph Nos.22 and 23 it is mentioned that the petitioner had not made Krishna Kumar Singh as a necessary party. The same observation is made in paragraph No.23 also. Accordingly, it is to be modified suitably by correcting the judgment.

4. As the petitioner had by way of amendment added Krishna Kumar Singh and Jivanlal R. Gaidhane as

respondent Nos.4 and 5 respectively in view of Order dated 18/06/2018, therefore, the observation in paragraph Nos.22 and 23 is to be corrected accordingly.

5. The last sentence of paragraph No.22 of the judgment is corrected as “In the present case, the petitioner had subsequently by way of amendment made Krishna Kumar Singh as a necessary party and the petitioner had challenged his seniority and claimed seniority above him. Therefore, the contention of the respondents that the petition is bad in law for non-joinder of necessary party is not sustainable.”

6. The paragraph No.23 is also corrected by deleting the three lines that is “The petition of the petitioner is also suffering from non-joinder of necessary parties as he has not added Krishna Kumar Singh who is the necessary party above whom he had claimed seniority.”

7. The corrected judgment is to be uploaded accordingly.

8. The civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

**Divya*