

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2098 OF 2006

Ramling Namdeo Bidwe

PETITIONER

VERSUS

Gurling Namdeo Bidwe and Others

RESPONDENTS

.....

Mr. P. P. Mandlik h/f Mr. Amol Gandhi, Advocate for the petitioner
Mr. V. R. Bhumkar, Advocate for respondents NO.1A to 1F

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JULY, 2023

ORDER :

1. This petition, filed under Article 227 of the Constitution of India, challenges order dated 1st October, 2005 passed by the learned 2nd Joint Civil Judge, Senior Division, Latur, below Exhibit-52 in Regular Civil Suit No.333 of 2002, thereby rejecting the application filed by the petitioner / third party for adding him as plaintiff in the suit.
2. This Court, at the time of issuing notice, by order dated 13th February, 2007 had granted stay to the further proceedings of the suit.
3. Heard learned advocate for the petitioner and learned

advocate for respondents No.1A to 1F. None appears for respondents No.2 and 3. Perused the memo of writ petition, documents annexed along with it and the impugned order.

4. Learned advocate for respondents No.1A to 1F submits that the respondents have no objection to add the present petitioner as plaintiff in the suit.

5. Respondent No.1 – original plaintiff has filed the suit for possession of the suit property. It is specific averment of the petitioner in application Exhibit-52 that the suit land was partitioned in the eve of Gudi Padwa of 2001 and in that partition the suit property was allotted to the share of the petitioner. Respondent No.1 / plaintiff is also having share in the suit land and, therefore, the petitioner is a necessary party to the suit. The said application Exhibit-52 was opposed by the plaintiff and the Trial Court has rejected it. Hence, the present writ petition.

6. Upon hearing the learned advocates for the parties, considering the averments made in application Exhibit-52 and in view of the no objection given by the respondents No.1A to 1F to add the petitioner as co-plaintiff in the suit, the petitioner deserves to be impleaded as plaintiff in the suit.

7. In the result, writ petition is allowed. The impugned order dated 1st October, 2005 passed by the learned 2nd Joint Civil Judge, Senior Division, Latur, below Exhibit-52 in Regular Civil Suit No.333 of 2002 is quashed and set aside. Application Exhibit-52 is allowed. Amendment to be carried out within two weeks from the date of receipt of writ of this order. Hearing of the suit is expedited. Rule is made absolute.

[NITIN B. SURYAWANSHI]
JUDGE