

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

WRIT PETITION NO. 6316 OF 2022

Dadasaheb Laxman Chandane
and others

.. Petitioners

Versus

Chhabu Laxman Chandane and others .. Respondents

Shri Hrishikesh V. Tungar, Advocate for the Petitioners.

Shri G. K. Thigle, Advocate for the Respondent Nos. 1 and 2.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 10TH JANUARY, 2023.

FINAL ORDER :

. Heard learned counsel appearing for the parties.

2. The limited controversy in the present case is that whether the Trial Court could have *suo motu* exercised the power U/O I Rule 10(2) of the Code of Civil Procedure and directed the plaintiffs to join the parties without application of the parties to the suit, particularly when the matter has been finally argued and fixed for judgment.

3. Both parties are *ad-idem* that the matter can be remanded to the Trial Court and the Trial Court be directed to hear both the parties.

4. In view of the above, the matter is remanded for

reconsideration of the order dated 13th April, 2022 to the 04th Joint Civil Judge Senior Division, Beed and to pass appropriate order after hearing both the parties, on its own merits, expeditiously and preferably within a period of three (03) weeks from today. The writ petition is disposed of in above terms.

[SHARMILA U. DESHMUKH, J.]

bsb/Jan. 23