

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

**CIVIL APPLICATION NO.78 OF 2022
IN CP/351/2015
IN
WP/8763/2014**

**BIYABANI SYED NAJEEBUDDIN
VERSUS
SYED ABDUL MANNAN, DIED FORMER DIRECTOR MILLENNIUM INSTITUTE
OF MANAGEMENT AND OTHERS**

...
Advocate for Applicant : Mr. Sushant V. Dixit
AGP for Respondent – State Mrs. M. A. Deshpande
Advocate for Respondent No.6 : Mr. V. R. Dhorde h/f. Mr. P. S. Dighe
...

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 19 APRIL 2023

PER COURT :

By way of Civil Application No. 78 of 2022 in Contempt Petition No.351 of 2015 arising out of order passed in Writ Petition No. 8763 of 2014, original petitioner is seeking addition of party as respondent no.6 in the contempt petition, who is stated to be the present president of the trust.

2. It appears that the notice was directed to be issued to proposed respondent no.6. Appearance has been caused by Advocate Mr. Pravin S. Dighe on his behalf. Learned advocate Mr. V. R. Dhorde holding for Mr. P. S. Dighe seeks a week's time to file reply.

3. Though a notice was directed to be issued to the proposed respondent no.6, in our considered view, a party is not entitled to be heard in respect of the fact whether he is to be joined or otherwise even before he is so joined in the main proceeding. He may raise an objection once he is added as a party, but not prior to impleadment.

4. The petitioner claims that salary arrears are due from the management, but due to demise of the earlier president, the respondent no.6 has now become the president of the trust/society.

5. Application is allowed.

6. The proposed respondent no.6 is permitted to be added as respondent no.6 in the contempt petition.

7. Leave is granted to make additional averments in the contempt petition. Amendment to be carried out within one week.

8. Once the amendments are carried out, issue simple notice to respondent no.6 to be added, in the contempt petition, returnable on 02.05.2023.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)