

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10565 OF 2023

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Narayan Digambar Muthekar & Ors. ... Petitioners

V/s.

Dilip Shankar Mhetre & Ors. ... Respondents

Mr. S.C. Mangle i/by Mr. Hamid D. Mulla for the
petitioners.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 30, 2023

P.C.:

1. By this writ petition under Article 227 of the Constitution of India, defendant No.1 is challenging order allowing plaintiff to delete defendant No.2. The plaintiff is the dominus litus. It is his choice against whom he wants to proceed. The defendant has no right to challenge such order.

2. There is no merit in the writ petition. The writ petition, therefore, stands dismissed. No costs.

(AMIT BORKAR, J.)