

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1552 OF 2023

Ramrao Tanu Bhagat and ors __ Vs. __ Gajanan Kisan Dhule and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. G.G.Mishra, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/03/2023

1] Heard Mr. Mishra, learned counsel for the petitioners.

2] The petition challenges the order dated 30.3.2021, by which the application filed by the petitioners/plaintiffs for impleading one Sheela Amabadas Sangale as defendant no.4 has been rejected.

3] Mr. Mishra, learned counsel for the petitioners submits that the proposed defendant no.4 is a necessary party to the suit, as the suit claims the existence of a road, to approach his land of Gat no. 762 from the eastern boundary of Gat no. 763.

4] A perusal of the village map of village Sungaon tendered across the bar, indicates that the

Gat nos. 762 and 763 are situated back to back and there are independent roads available to approach both the Gat numbers. The Gat no. 762 owned by the petitioners has a direct approach road from the right of the corner where 'dongras' is written in the map, which would clearly indicate that the proposed defendant is neither a proper nor a necessary party to the suit and therefore, there is no reason to interfere in the impugned order.

5] The petition is dismissed. No costs.

JUDGE

Rvjalit