

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

Writ Petition (WP) No. 3218 of 2023

Durgabai Ravindra Borade and others

Versus

Vasant Vishnu Sonone and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri U.J.Deshpande, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 9th AUGUST, 2023.

The order below Exhibit 31 allowing the application for intervention filed by the respondent nos. 1 to 6 in Regular Civil Suit No. 29 of 2020, filed by the petitioner no.1, is under challenge in this writ petition.

2. After going through the prayers made in the suit filed by the petitioner no.1 for declaration, it is evident that prayer (b) relates to removal of name of defendant no.6 Datta Sanstha and name of Ramkrushna Natthu Ghate from the revenue record relating to suit property.

3. Hence, the respondent nos. 1 to 6 filed an application Exhibit 31 in the said suit claiming that they are the persons having interest in the Deosthan namely

Datta Deosthan and as the matter is settled between the plaintiff and the defendant nos. 1 to 5, there is every possibility that the decree may be passed against the Deosthan, therefore in the interest of Deosthan, they may be joined as an intervenor.

4. Learned counsel for the petitioners states that there is no such Deosthan in existence and therefore allowing the respondents to intervene in the suit may create hurdle in decision of the suit.

5. I do not find any favour with this submission for the reason that as the plaintiff has sought certain reliefs against the defendant no.6- Deosthan, it is matter of evidence whether Deosthan is in existence or not.

6. However, at this stage any finding in this regard may cause prejudice to defendant no.6-Deosthan or the persons like the intervenors who are the worshipers.

7. In the circumstances, I do not find any merit in the present writ petition. Accordingly, it is dismissed.

[ANIL S. KILOR, J.]

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