



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO. 8904 OF 2024

SK EQBAL SK MODU AND ANOTHER

....Petitioner

VERSUS

ANNA SHEKU RAUTRAI AND OTHERS

.....Respondent

.....

Advocate for the Petitioner : Mr. Taher Ali Quadri

.....

CORAM : ARUN R. PEDNEKER, J.

Dated : August 21, 2024

PER COURT :-

1. Heard the learned counsel for the petitioners.
2. By the present writ petition, the petitioners pray to quash and set aside the order dated 2.5.2024 below Exh. 17 passed by the learned Civil Judge, Junior Division, Phulambri in R.C.S. No. 21/2022. The petitioners moved the application, Exh. 17 under Order I, Rule 10 of C.P.C. for impleading them as defendants in the suit. The suit is filed for simplicitor injunction.
3. It is the contention of the petitioners that they are the owners and possessors of the suit property and the decision in the suit will adversely affect the rights of the petitioners as the petitioners are having valuable and preferential rights over the suit property. It is further contended by the petitioners that if the petitioners are not added in the suit, their rights would be seriously prejudiced.

4. The Trial Court, on consideration of the application of the petitioners herein and pleadings has held that the suit is filed for simplicitor injunction against the defendants and the petitioners/applicants are not necessary parties considering the issues involved in the suit. It is to be noted that no relief is claimed against the petitioners. The petitioners have not been able to establish before the Court that they have any right over the suit property as their names are not reflected in the revenue record of the suit property.

5. Since the suit is simplicitor for injunction and no relief is claimed against the petitioners, I find that there is no error in the order passed by the learned Trial Court. However, if the petitioners feel that their rights would be prejudiced, they are at liberty to file appropriate proceedings. In view of the above observations, the writ petition is dismissed. The Trial Court shall not be influenced by the observations made by this Court in this order.

(ARUN R. PEDNEKER, J.)

ssc/