

VRJ

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

WRIT PETITION NO.7026 OF 2015

VAIBHAV
RAMESH
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Shamrao Khandu Babar

... Petitioner

V/s.

Sarpanch, Grampanchayat Dudhari &
Ors.

... Respondents

Ms. Preeti Walimbe i/by Mr. Bhushan Walimbe for the
petitioner.

Mr. Tejpal S. Ingale for respondent Nos.1 and 2.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 28, 2024

P.C.:

1. The petitioner is original plaintiff who filed suit for permanent injunction against Sarpanch of Grampanchayat and Deputy Engineer of electricity company.
2. During pendency of the suit, the petitioner filed an application under Order 1 Rule 10 of the Civil Procedure Code, 1908 to incorporate Gramsevak of defendant No.1 as defendant No.3. The said application has been rejected by the Trial Court by the impugned order.
3. It is well settled that the plaintiff is dominus litis and it is for him to decide against whom he wants to proceed. If the petitioner in addition to Sarpanch of a Grampanchayat intends to sue

Gramsevak of Grampanchayat as defendant No.3, the Trial Court ought to have allowed the petitioner to seek injunction against defendant No.3. Hence, the impugned order cannot be sustained.

4. The application below Exhibit-40 in Regular Civil Suit No.47 of 2009 is allowed.
5. Hearing of the suit is expedited.
6. The respondents are entitled to file additional written statement within 90 days from today.
7. The writ petition stands disposed of in above terms.
8. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)