

Shabnoor

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

WRIT PETITION NO.8759 OF 2024

SHABNOOR
AYUB
PATHAN

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Jitednra Rajaram Shah & Anr.	... Petitioners
V/s.	
Subhash Shivpa Gatade (Deceased)	
Through his Legal Heirs & Ors.	... Respondents

Mr. Sarang S. Aradhye a/w Ms. Gauri Velankar and
Mr. Shantanu Gurav and Mr. Saarth Chordia for
Petitioners.

CORAM : AMIT BORKAR, J.

DATED : JULY 2, 2024

P.C.:

1. By the impugned order, the Trial Court has allowed defendant's application seeking direction against the plaintiff to add certain persons as party to the plaint. It is well settled that the plaintiff being *dominus litis* has exclusive power to decide as to who should be made party to the suit. The effect of non-joinder of necessary party can be considered by the Court. However, the Court cannot direct the plaintiff to add third party as parties to the suit against the wish of the plaintiff.

2. Hence, issue notice to respondents, returnable on **13th August 2024**.

3. In the meantime, the impugned order dated 3rd August 2023 passed by the Civil Judge, Senior Division, Sangli below Exhibit 69 in Special Civil Suit No.23 of 2014 shall be stayed.

(AMIT BORKAR, J.)