



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1108 OF 2025

Gaps Energy Pvt Ltd Through
Its Director Gorakh Chandedeo BhorePetitioner

VERSUS

The State of Maharashtra
Through Secretary & othersRespondents

.....

Mr. D. S. Bagul, Advocate holding for Mr. S. S. Phatale, Advocate for
the Petitioner.

Mr. S. N. Kendre, APP for the State.

Mr. S. P. Salgar, Advocate for Respondent No. 5.

CORAM : R. M. JOSHI, J.

DATE : 5th FEBRUARY, 2025.

PER COURT :

1. This petition takes exception to the impugned order dated 13.09.2024 passed by the District Judge – 7, Ahmednagar on Exhibits 25 and 31 in MCA No. 43/2924.

2. Petitioner is the applicant before the District Court. Petitioner filed application to be joined as party to the said appeal claiming to be interested party and likely to be affected by the decision thereof.

3. Learned District Judge – 7, Ahmednagar, has observed while rejecting the application thus :-

“6. In my view this appeal is against the order of learned C.J.S.D. who has refused to number and register the plaint of plaintiff for want of territorial jurisdiction. Both the intervenors have interest in suit property, however, the appeal is for limited purpose and this court has to decide whether the impugned order is correct or not. Both the intervenors have legal remedy to approach the proper forum (In fact one of the intervenor had already filed proceeding before DRT.) At this stage when this court is pondering upon the question of territorial jurisdiction the intervenor cannot be allowed to be party to this appeal as they are not necessary party to this appeal.

4. Learned counsel for petitioner submits that the petitioner is aggrieved with regard to auction of the subject property at a lesser rate than the market value otherwise which is likely to be fetched.

5. The question before this Court is as to whether the present petitioner is necessary or proper party to Misc. Civil Appeal filed against the order passed by the Trial Court of rejection of registration of the suit. Only in that case, application can be allowed under Order 1 Rule 10 of Code of Civil Procedure.

6. Admittedly, petitioner is not party to the original proceeding. Original suit is yet to be restored. Misc. Civil Appeal is pending for decision. In the light of these facts, observations are made by the District Judge – 7, Ahmednagar that the appeal is for limited purpose i.e. with regard to refusal of registration of plaint and the only issue involved before the Appellate Court is as to whether the said refusal is correct or otherwise. It is also observed by the Court that both the intervenors have legal remedy to approach the appropriate forum and infact one of the intervenors has failed proceeding before Debt Recovery Tribunal.

7. In view of these facts and the observations made by District Judge – 7, Ahmednagar, this Court finds no perversity in the findings. As a result of this, petition stands dismissed.

8. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge