



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

962 WRIT PETITION NO. 1552 OF 2022

Janta Shikshan Prasarak Mandal

....Petitioner

VERSUS

Vinayak Ramrao Deshmukh

.....Respondent

.....

Mr. S. S. Gangakhedkar, Advocate for the Petitioner.

Mr. S. C. Bhosle, Advocate for the Respondent.

CORAM : R. M. JOSHI, J.

DATE : 8th JANUARY, 2025.

PER COURT :

1. This Petition is heard for substantial period. A grievance is made by the Petitioner that without joining the trust as party Defendant, the suit proceeded and decree is passed.

2. Learned counsel for the Respondent/original Plaintiff, on instructions, makes a statement that the impugned order be set aside and the suit be relegated back to the Trial Court for decision afresh after joining the necessary party. He requests that the Plaintiff be permitted to join Petitioner/Trust and its trustees as party to the suit.

3. Leave to amend granted. Amendment be carried out in plaint before the Trial Court.

4. In view of above, impugned judgments and decree passed in Regular Civil Suit No. 505/2011 and Regular Civil Appeal No. 76/2014 stand set aside. Regular Civil Suit No. 505/2011 is relegated to the Trial Court for decision afresh. The Petitioner/Trust/Trustees be permitted to file written statement. Suit be decided in accordance with law.

5. Learned counsel for Respondent seeks expedite disposal of the suit on its remand.

6. Since the suit is filed in the year 2011, Trial Court is directed to expedite the suit and decide the same in any case within a period of one year.

(R. M. JOSHI)
Judge

dyb