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923- WP-3956-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 3956 OF 2025

Surekha Nagnath Sutar

VERSUS

Nana Madhukar Gate And Others

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Mr. Estling S. Murge, Advocate for the Petitioner.

Mr. Ganesh R. Jadhav, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 29th APRIL 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. The petitioner is the original defendant No.2 in Election Petition filed by the present Respondent No.1. In the suit, the Gram Sevak was added as Defendant No.4. Initially, the Respondent filed an application for deleting the name of Defendant No.4. Though the Gram Sevak was not originally added as defendant, by way of subsequent amendment, he was added as defendant. The present petitioner, at that time, has objected adding of Gram Sevak as a party to the suit. The name of Gram Sevak was, therefore, again deleted. Now, as the suit proceeded, the

petitioner has now filed an application for adding Gram Sevak as a party. The only reason stated is that the Gram Sevak had issued two certificate in two names of the present petitioner. Therefore, he is a necessary party. The said application came to be rejected by the learned trial Court. Petition is, therefore, filed in this Court.

3. The learned Advocate Mr. Murge submits that, in fact, when the Gram Sevak was sought to be added as a party to the plaint, it is this petitioner, who had objected the addition of such party. Now, the petitioner himself again filed an application stating that Gram Sevak is necessary party. He has also prayed for addition of issue as to whether the suit is held by non-joinder of necessary party.

4. This Court has heard the parties. This Court does not find that the Gram Sevak is necessary party as no relief is prayed against him. His assistance is also not required in the suit. This Court does not find any illegality in the order passed by the learned trial Judge. The writ petition, therefore, stands dismissed.

5. It is made clear that, if any party wishes to call the said Gram Sevak as a witness, the parties can file such application. If such

application is filed, the said application to be decided on its own merits.

6. The trial Court to decide the suit as early as possible and preferably within one year from today.

[KISHORE C. SANT, J.]