



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

48 CIVIL APPLICATION NO. 5306 OF 2025

IN SA/38/2008

SUBHSH BHAWARLAL VARMA AND OTHERS

VERSUS

MUNICIPAL COUNCIL LATUR THROUGH CHIEF OFFICER LATUR

...

Advocate for Applicants : Mr. Warma B.R.

Advocate for Respondent No. 1 : H.V. Patil

Advocate for Respondent Respondent no. 2 : Mr. R.V. Gunale h/f Mr. V.D.
Gunale

CORAM : SHAILESH P. BRAHME, J.

DATE : 06.10.2025

PER COURT :

The applicants are seeking intervention in the second appeal and seeking further permission to file written say/objection to the appeal. The applicants were not party in Regular Civil Suit No. 428/2023, which was filed by respondent no. 1 Rukminibai for declaration and injunction. The applicants did not make any endeavour for intervention either in the Trial Court or Lower Appellate Court.

2. Learned counsel Mr. Warma submits that the applicant no. 1 is in fact referred to in the plaint. He objected illegal construction of respondent no. 1 Rukminibai. At his instance, action was taken against respondent no. 1 Rukminibai. It is further submitted that the Municipal Corporation did not bring necessary documents on record and prosecute suit or appeal in the Lower Appellate Court. He has *locus standi* to intervene in the appeal.

3. Learned counsel Mr. Gunale strongly opposes the application contending that it is impermissible for third person to intervene in the second appeal. The claim of the applicants is denied. It is submitted that his client by following due procedure of law purchased the plot and carried out the construction. The grievance of the applicants is misplaced.

4. I find that the applicants are not the necessary parties. No attempt was made by them to intervene either in the Trial Court or Lower Appellate Court. The documents, which are sought to be relied upon in the present application are contended to be exhibited documents and part of record. If that is so, then at the time of final hearing, this Court can look into the documents. For that purpose it is not necessary to permit the applicants to intervene in the matter. It is candidly submitted by the learned counsel Mr. Warma that applicants do not wish to adduce any evidence but want to assist this Court.

5. Present second appeal is to be addressed on substantial question of law. The Municipal Council has also proposed to file certain documents on record. This Court will have assistance of the counsels representing the parties. However, for addressing the substantial questions of law, this Court permits learned Counsel Mr. Warma to address the Court.

6. The Civil Application is rejected. However, counsel for applicants is permitted to address purely on law point and substantial questions of law and no independent documents shall be entertained.

(SHAILESH P. BRAHME, J.)

mkd/-