



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

114 WRIT PETITION NO. 8730 OF 2023

MAROTI LAXMAN SHINDE AND OTHERS
VERSUS
LIMBAJI DHANAJI SHINDE AND OTHERS

...
Advocate for the Petitioners : Mr. Shinde Dhananjay M.
Advocate for Respondent No. 1 : Mr. Agrawal Pawankumar Suryakiren
Advocate for Respondent Nos. 6 to 12 : Mr. Raje Vikrant P.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 08.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioners are assailing the order dated 20.10.2022 passed below Exhibit-16 by the Joint Civil Judge, Senior Division, Hingoli in Regular Civil Suit No. 132 of 2020, whereby, the application filed by the petitioners under Order I Rule 10 of the CPC came to be rejected.
3. The petitioners have filed an application for impleading them as party defendants in the suit. The respondent No. 1/Original Plaintiff has filed a suit for fixation of boundaries and for measurement of land through Survey No. 126. He claimed that he is owner of land admeasuring 37R which is adjacent to the petitioners and there is encroachment upon his land by the petitioners.

4. Mr. Shinde, learned Counsel for the petitioners submits that considering the issue involved, the petitioners are necessary party to the suit. He further submits that in another Regular Civil Suit No. 37 of 2021 arising out of dispute relating to same land, the petitioners are arrayed as defendants but in Regular Civil Suit No. 132 of 2020, the petitioners are not arrayed as defendants.

5. The suit is filed for demarcating the boundaries as well as for measurement of land of respondent No. 1. The petitioners claim to be owners of adjacent land from Survey No.126, therefore, for just decision of the suit, it is necessary to implead petitioners as party defendants.

6. I have gone through the order dated 20.10.2022 passed by the trial Court. The trial Court has rejected the application holding that petitioners are not necessary party. Considering the issue involved, I am of the opinion that the trial Court ought to have allowed the application Exhibit 16. Therefore, I am inclined to allow the present petition.

7. In view thereof, the order dated 20.10.2022 passed below Exhibit 16 by the Joint Civil Judge, Senior Division, Hingoli in Regular Civil Suit No. 132 of 2020 is quashed and set aside. The application Exhibit 16 filed by the petitioners is allowed. Trial Court shall treat the petitioners as party defendants in Regular Civil Suit No. 132 of 2020.

(SIDDHESHWAR S. THOMBRE, J.)