



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

36 WRIT PETITION NO. 8520 OF 2025

DEVSTHAN MARUTI MANDIR GOLANGRI THR ITS PRESIDENT
T.B. KAWADE

VERSUS

ARUN ASHRUBA KAWADE AND OTHERS

...

Mr. Wagh Ishwar Kalyan, Advocate for the Petitioner

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.07.2025

PER COURT :-

1. The petitioner instituted Regular Civil Suit No.382 of 2023 before learned Civil Judge Junior Division, Beed, seeking decree of perpetual injunction in respect of suit property. Application for temporary injunction has already been granted in suit.

2. At this stage, respondent No.3 filed application seeking intervention under Order 1 Rule 10 of Code of Civil Procedure contending that plaintiff has falsely created trust in respect of suit temple and its property although registration of trust is at place since 09.10.1996 and trust property is under Government control, learned Trial Judge, after considering rival contentions allowed intervention of Respondent No.3 observing that Shri Hanuman Mandir Devsthan/A-1984 is a registered trust. Plaintiff Trust is also claiming its registration for same temple since 2017.

3. In this background, presence of respondent No.3 would be necessary for effective adjudication of dispute between the parties. Although, learned Advocate appearing for petitioner submits that present suit is filed *simpliciter* for the relief of perpetual injunction and presence of respondent No.3 would not be necessary to pass final decree, fact remains that respondent No.3 holds valid Trust registration in respect of same temple and property. The respondent No.3 may not be necessary party but definitely proper party.

4. The view taken by Trial Court is in accordance with settled principles of law. The power under Order 1 Rule 10 is rightly exercised in facts of the case.

5. In that view of the matter, this Court does not find jurisdictional error. Present writ petition sans merit. Hence, **rejected**.

[S. G. CHAPALGAONKAR, J.]