



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

996 WRIT PETITION NO. 9096 OF 2022

LONIKA DIGAMBAR KAMBLE

VERSUS

NANDED WAGHALA CITY MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER AND OTHERS

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Advocate for the Petitioner : Mr. Ghatol Patil Shahaji B.

Advocate for Respondent No.1 and 2: Mr. Ingole R.K.

Advocate for Respondent No.3 : Mr. Hande Avinash D.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 09.12.2025

PER COURT :

. Heard learned counsel for the respective parties.

2. By the present petition, the petitioner assails the order dated 05.07.2022 passed below Exhibit-18 in R.C.S. No.263 of 2022 by 3rd Joint Civil Judge Junior Division, Nanded whereby, the application filed by the Respondent No.3 for adding him as party defendant came to be allowed.

3. Learned counsel Mr. Ghatol for the petitioner submits that the petitioner has challenged only a notice issued by the Municipal Corporation by filing the suit and no relief is claimed against Respondent No.3.

4. Learned counsel for the respondent No.3 submits that respondent No.3 was a necessary party to the suit. A suit R.C.S. No.347 of 2019

arising out of same property is pending in which the present the Respondent No.3 was already added as party-defendant. Since the issue involved in suit R.C.S No.263 of 2020 relates to the ownership of plot No.17 and the same issue was also involved in R.C.S No. 347 of 2019, the learned trial court has rightly allowed the application filed by respondent No.3. Therefore, he prays to dismiss the present petition.

5. I have gone through the order passed by learned trial court particularly paragraph Nos. 5 and 6 therein, which clearly reveals that as regards ownership of the plot No.17, the earlier suit No.347 of 2019 is pending and in respect of same property another suit R.C.S. No.263 of 2022 is filed challenging the notice issued by the Corporation.

6. Therefore, I am of the view that the learned trial Court has rightly allowed the application and I do not find any reason to interfere with the order dated 05.07.2022 passed below Exhibit-18 in R.C.S. No.263 of 2022 by 3rd Joint Civil Judge Junior Division, Nanded under Article 227 of the Constitution of India.

7. In view thereof, the Writ Petition is dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

vsj..