

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12885 OF 2023

Nilima Rahul Wagh And Another

VERSUS

Bishop Of Poona Through Director General Of Poona Diosin
Corporation Pvt Ltd And Others

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Advocate for the Petitioner : Mr. Patil Sandesh R.

AGP for Respondent/State : Mr. V.S. Badakh

Advocate for Respondent No.4 : Mr. Gajendra D. Jain h/f Mr. P.D. Patil

Advocate for Respondent Nos.5, 7 to 9 : Mr. P.B. Gamot

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 18, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioners challenge the order dated 10.07.2023 passed below Exhibit-56 by the learned Joint Civil Judge, Senior Division, Bhusawal in Special Civil Suit No.65 of 2018, whereby the application filed by respondent nos.5 to 9 under Order 1 Rule 10 of Civil Procedure Code came to be allowed.
3. Learned counsel for the petitioners submits that respondent nos.5 to 9 though contended that they are having every right on the basis of agreement to sale but that agreement to sale was not placed along with the application and no relief is claimed by the original plaintiffs against the respondents. Therefore, they are not necessary party. He further submits that considering the pleadings of

the petitioners in plaint, they are not proper party also and therefore, on this ground, he submits that the Trial Court has committed apparent error while passing the order.

4. Having heard learned counsel for respective parties and after going through the application, respondent nos.5 to 9 filed an application below Exhibit-5 by pointing out that property Gut No.15 situated at Khadke, Taluka Bhusawal District Jalgaon was purchased earlier and to that effect, there was registered agreement to sale. They have right in the suit property and as far as this issue about applicability is to be considered by the Trial Court after both parties lead the evidence. The learned Trial Court considered the prima facie case and observed that they are necessary party to the proceeding.

5. Therefore, I do not find any reason to interfere with the order passed by the Trial Court. The petition is dismissed. No order as to cost.

6. Both counsels submit that as the suit is of the year 2018, purpose would be served if the Trial Court is directed to decide the suit within a reasonable period. Hence, the Trial Court is directed to decide the suit within a period of one year from today.

(SIDDHESHWAR S. THOMBRE, J.)