



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 14063 OF 2023

ARJUN LAXMAN DIGHE AND OTHERS
VERSUS
FAKIRBHAU RAMBHAU MORE AND OTHERS

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Mr. Shubham S. Kote h/f. Mr. Ashwin V. Hon – Advocate for Petitioners
Mr. Prafful J. Sagalgile h/f. Mr. Rahul R. Karpe – Advocate for
Respondent Nos.1, 6 and 7

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 18.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The present petition takes an exception to the order dated 23.08.2023 passed by the learned Civil Judge, Junior Division, Parner, below Exhibit 105 in Regular Civil Suit No.264 of 1999, whereby the application filed by the petitioners seeking to implead them as a parties to the suit under Order I Rule 10 of the Code of Civil Procedure came to be rejected.
3. Learned Counsel for the petitioners submits that respondent No.1– original plaintiff has filed the suit for declaration and perpetual injunction. It is contended that the petitioners are owners of adjoining land and were made party defendants in the earlier suit. According to the learned Counsel, for the just and proper decision of the suit, the

petitioners are necessary parties and, therefore, the application for impleadment was filed.

4. I have gone through the order passed by the learned Trial Court. The learned Trial Court observed that the suit is for declaration and perpetual injunction and that the defendants are in possession of their respective shares. It was further observed that the petitioners being adjoining landowners, do not have any share in the suit property. Since no relief has been claimed against the petitioners and considering the nature of the suit the learned Trial Court rejected the application. In view of the aforesaid reasons, I do not find that the learned Trial Court has committed any apparent error on the face of the record.

5. I do not find any reason to interfere with the order dated 23.08.2023 passed by the learned Civil Judge, Junior Division, Parner, below Exhibit 105 in Regular Civil Suit No.264 of 1999 under Article 227 of the Constitution of India.

6. In view thereof, the present petition stands dismissed. No order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE