



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1013 WRIT PETITION NO. 12968 OF 2022

SIDDHARTH SURYABHAN RABADE AND ANOTHER
VERSUS
BALU VALJNATH GAIKWAD AND OTHERS

...
Mr. Nitin T. Tribhuwan – Advocate for Petitioners
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 11.12.2025

PER COURT :

1. Heard learned Counsel for the petitioners.
2. By way of this petition, the petitioners are challenge the order dated 02.11.2022 passed by the 2nd Jt. Civil Judge, Junior Division, Gangapur, below Exhibit 121 in R.C.S. No.348 of 2021, whereby the application filed by the petitioners under Order 1 Rule 10 of the Code of Civil Procedure came to be rejected.
3. Learned Counsel for the petitioner submits that the property which is in possession of the petitioners and that the property which is subject matter of R.C.S. No.348 of 2021 are the same. Therefore, according to him, the petitioners are necessary parties to the suit.
4. I have considered the submissions of the learned Counsel for the

petitioners and I have gone through the order passed by the learned Trial Court. The record reveals that R.C.S. No.348 of 2021 was for a perpetual injunction. The rights of the parties are to be decided by the Trial Court in that proceeding. If the petitioners are having any grievance against the respondents, who are party to the earlier suit, that itself will not create any independent right in favour of the petitioners so as to entitle them to be added as parties to the present suit.

5. In view thereof, I do not find any reason to interfere with the order dated 02.11.2022 passed by the 2nd Jt. Civil Judge, Junior Division, Gangapur, below Exhibit 121 in R.C.S. No.348 of 2021 under Article 227 of the Constitution of India.

6. Hence, the Writ Petition stands dismissed. No order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/