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27-WP-2807-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO. 2807 OF 2025

Suraj Bansi Chavan

VERSUS

Shri Nath Maharaj Sansthan Trust Through Its President And Others

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Mr. Kalyan S. Chavan, Advocate for the Petitioner.

Mr. K. S. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 1st APRIL 2025

PC :-

1. Heard the learned Advocate for the petitioner for some time.
2. A challenge in this petition is to an order dated 15th November 2024 passed by the learned Joint Civil Judge, Senior Division, Majalgaon on an application Exh. 62 filed in RCS No. 110 of 2019. Application was filed under Order 1 Rule 10 of C.P.C. for joining the present petitioner as necessary party to the suit.
3. The suit came to be filed by the present respondent No.1-Trust for removal of encroachment allegedly committed by respondent No.4, who happens to be defendant No.2 in suit. The suit is filed in the year 2019.

The suit has reached at the stage of recording of evidence. This petitioner on 11th June 2024 had filed an application for intervention stating that he happens to be a devotee of the Nath Maharaj Temple of respondent No.1. He wants to put certain facts before the Court. It is further stated that this petitioner had also filed complaints before the Joint Charity Commissioner, Beed for holding an inquiry in the affairs of the Trust. It is thus, his case that he is a necessary party.

4. The Respondent No.1-Trust opposed the application stating that the petitioner is not necessary party. The suit is only for removal of encroachment. The petitioner has no concern with the dispute of the suit and prayed for rejection of the application.

5. The respondent No.4 has filed say stating that he has no objection to allow the application.

6. Considering the facts, application and the order, this Court finds that the petitioner has failed to show as to how he is necessary party in the suit. No case is made out that, in his absence, no proper adjudication can be made by the court. This Court, therefore, finds that the petition is

devoid of merit and deserves to be dismissed.

7. In view of the same, petition stands disposed off as dismissed.

[KISHORE C. SANT, J.]