

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.2398 OF 2025**

Dnyaneshwar Parasu Diwde @ Patil and Ors. ...Petitioners

vs.

Narayan Zuraji Patil  
(since deceased through LRs) and Ors. ...Respondents

Mr. Abhijit Gosavi i/b. Mr. Vikrant Desai, for the Petitioners  
Mrs. Sulabha Chipade, AGP for the State.

**CORAM : N. J. JAMADAR, J.**

**DATE : FEBRUARY 24, 2025**

**P.C:**

1. Heard the learned counsel for the petitioners.
2. The challenge in this petition is to an order dated 19<sup>th</sup> October, 2024 passed by the learned Civil Judge whereby the application preferred by the petitioners/ defendants for rejection of the plaint for misjoinder of the parties and causes of action came to be rejected.
3. The learned Civil Judge was of the view that a plaint cannot be rejected for the misjoinder of the parties or causes of action.
4. The learned counsel for the petitioners submitted that on account of misjoinder of the parties, the suit came to be instituted before the Court of Civil Judge Senior Division at Panvel. Otherwise, the suit would lie before the Court of Civil Judge Junior Division, Khalapur. The petitioners had also prayed for an appropriate order

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and the trial Court could have deleted the State of Maharashtra from the array of parties.

5. So far as the prayer for rejection of the plaint, the view taken by the learned Civil Judge cannot be faulted at. As regards the objection as to misjoinder of parties and causes of action, if the ground of misjoinder of parties and causes of action are raised in the written statement, the trial Court may frame appropriate issues and decide the said issues at the stage of adjudication of the suit.

6. Keeping open the aforesaid point, the petition stands disposed.

**(N. J. JAMADAR, J.)**