

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13234 OF 2025

Niranjan Bhimrao Kalbhor	...Petitioner
Versus	
Bharati Dnyandev Kalbhor and ors.	...Respondents

Mr. Ajay Bhise, for the Petitioner.
Mr. P. V. Nelson Rajan, AGP for the State.

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**CORAM: N. J. JAMADAR, J.
DATED: 14th OCTOBER, 2025**

Oral Order:-

1. Heard the learned Counsel for the petitioner.
2. The petitioner – plaintiff is aggrieved by an order passed by the learned Civil Judge, whereby the learned Civil Judge has directed issue of summons to defendant No.1 to 10 only, to file WS and for settlement of issues and observed that, if required, the subsequent purchasers - defendant Nos.11 to 110 may be subsequently summoned.
3. Under the provisions of Order I Rule 10(2) of the Code of Civil Procedure, 1908, the Court is empowered to add or delete the parties at any stage of the suit.
4. If the Court considers that, defendant Nos.11 to 110 are not the necessary or proper parties to the suit, the learned Civil

Judge could have passed an appropriate order. However, the issue cannot be kept pending on the premise that, it would be subsequently decided whether the summons is to be issued to defendant Nos.11 to 110.

5. The learned Civil Judge is, therefore, requested to decide the question as to whether defendant Nos.11 to 110 are the necessary or proper parties to the suit and, whether summons is required to be issued to those defendants and pass appropriate order.

6. Subject to the aforesaid clarification, the petition stands disposed.

[N. J. JAMADAR, J.]