



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.2276/2025
Gaurav and others V Leela and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.P. Kothari, Advocate for petitioners.
Mr. A.D. Choudhari, Advocate for respondent nos.1 to 6.
Mrs. M. Naik, AGP for respondent no.7.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 08-08-2025.

Heard Mr. Kothari, learned Advocate for the petitioners,
Mr. Choudhari, learned Advocate for respondent nos.1 to 6 and Mrs.
Naik, learned Assistant Government Pleader for respondent no.7.

2. The petitioners grievance is against the order passed by
the trial Court on an application under Order 1 Rule 10 of the Code
of Civil Procedure for addition of parties which is at Exhibit-50.

3. Learned Counsel for the petitioners makes a limited
grievance that the impugned order is passed without hearing the
arguments of the plaintiffs as well as the defendants on this
application and by the impugned order new defendants, 45 in
numbers, are sought to be added as party defendants to the suit
including the officials of the Nagpur Municipal Corporation and
various Companies. Learned Counsel for the petitioner submits that
although reply was filed to the application, however opportunity of

advancing arguments was not afforded to the parties before this order was passed.

4. Mr. Choudhari, learned Advocate for the respondents also makes a statement that the arguments of the plaintiffs were also not heard on this particular application.

5. In view of this limited grievance raised by the Counsel for petitioners about opportunity of hearing on the application which is not disputed by learned Counsel for the respondents, the impugned order needs to be set aside by directing the trial Court to reconsider the application by affording an opportunity of hearing to both the parties.

6. In view of this, Writ Petition is allowed. Impugned order dated 17-03-2025 passed by the trial Court on the application at Exhibit-50 in Regular Civil Suit No.14/2021 is quashed and set aside. The matter is remanded to the trial Court for deciding the application at Exhibit-50 afresh.

7. It is clarified that the impugned order is set aside only on the ground of denial of opportunity of hearing to both the parties and this Court has not dealt with any contentions on merits.

8. Writ Petition is accordingly disposed of.

(Prafulla S. Khubalkar, J.)