



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3537 OF 2025

(Nawalkishor s/o Ganpatlalji Agrawal Vs. Ajay s/o Marotrao Upadhya & Ors.)

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

Court's or Judge's orders.

Mr. R.R. Vyas, Counsel for the petitioner.

Mr. M.P. Khajanchi with Mr. Ankush Mhala, Counsel for
respondent nos. 1 and 2 (caveators).

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CORAM : ANIL L. PANSARE, J.
JULY 8, 2025

The petitioner is questioning order dated 11/6/2025 passed by the Joint Civil Judge Junior Division, Chandrapur, thereby rejecting the application filed by the petitioner – original defendant no.3 under Order I Rule 10 of the Code of Civil Procedure, 1908.

2] The learned Counsel for the petitioner submits that by way of application, the petitioner sought addition of Central Railway, Nagpur Division and Union of India, Ministry of Railways, as party defendants to the suit on the ground that the subject matter of the suit, viz., land bearing survey no. 67 admeasuring 1.42 H.R. situated at Taluka – Mhatardevi, District – Chandrapur, is a property, part of which is owned by the Central Railways. In support, he has relied upon an agreement of lease entered into by the petitioner with the Central Railways. The Court below found that neither the agreement nor the pleadings or documents placed before it indicate that part of the suit property is owned by the

Central Railways, and accordingly, rejected the application.

3] The learned Counsel for the petitioner has invited my attention to the boundaries of the plot, as described in the plaint. To the western side is a railway line/track. Respondent nos. 1 to 6 – original plaintiffs filed a suit for prohibitory and mandatory injunction on the ground that the defendants were found clearing a portion inside the western boundary of the suit plot, whereupon the plaintiffs obstructed the defendants, who took a plea that the said land is railway's land.

4] Thus, the plaintiffs came up with a case that the defendants were found clearing a portion of land, which is inside the western boundary of the suit plot. In the circumstances, merely because to the west, lies a railway property, one cannot jump to the conclusion that part of the suit property is belonging to railways. The plaintiffs have described the suit property with four boundaries. The petitioner's plea is based on lease agreement, which refers to the plot admeasuring 7000 square meters, but without describing further details to connect the plot with the suit property. There is no evidence to show that the Central Railways is the owner of part of the suit property and, therefore, their presence is not necessary. The trial Court has also taken note of the fact that the plaintiffs have not sought any relief against the Central Railways.

5] That being so, there appears no reason why should I interfere with the impugned order in supervisory

jurisdiction under Article 227 of the Constitution of India.
The petition is dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit