



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

Writ Petition No. 429 of 2025

[Arun Sales Corporation, through its Proprietor Arun Balmukund Sharma
and anr. ..vs.. Mr. Nikhil s/o Nainsukh Banawat]

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

Court's or Judge's orders

Mr. C. N. Wankhade, Advocate for the petitioners through video
conference

CORAM : ANIL L. PANSARE J.

DATED : 07-02-2025

Heard.

2. The petitioner is aggrieved by order dated 9-8-2024 passed below Exhibit 31 by Civil Judge Senior Division, Akola in Special Civil Suit No. 27/2021 thereby permitting the respondent – original plaintiff to add Hukumchand @ Mahesh S/o Mohan Bothra as party defendant.

3. Having heard Mr. C. N. Wankhade, learned counsel for the petitioners, it transpires that the petitioner in written statement pleaded that Mr. Bothra is necessary party. Accordingly, the trial Court has formulated the issue of non-joinder of necessary party.

4. In context with above, the respondent filed application under Order I Rule 10 of the Code of Civil Procedure, 1908 to add Mr. Bothra as party defendant. The trial Court noted that accounts relating to the dispute were settled by Mr. Bothra and in context thereof and in the light of pleadings before the Court, the trial Court allowed the application.

5. Thus, it appears that Mr. Bothra is necessary party to the suit and accordingly, the respondent has filed the application. The findings of the trial Court appears to be in

consonance with material placed before it. No interference is, therefore, called for in the supervisory jurisdiction under Article 227 of the Constitution. The petition is dismissed in *limini*.

(Anil L. Pansare, J.)

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