



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

Writ Petition No.313/2024
Deepak V M/s Harjimal 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. U.J. Deshpande, Adv for petitioner.
Mr. M.G. Sardar, Adv for respondent nos.1 to 3.

CORAM : R.M. Joshi, J.
DATE : 14-07-2025.

Learned Counsel for both the sides are heard substantially.

2. After hearing the Counsel for the petitioner, this Court has expressed view that the presence of the petitioner in the disposal and decision of Regular Civil Suit No.113/2021 is not necessary. Merely because he is the original complainant, he cannot be considered as a proper or necessary party.

3. At this stage, learned Counsel for the petitioner has drawn attention of the Court to the pleadings in the plaint in order to point out that there are allegations against the petitioner in paragraph 7-

"That one Mr. Deepak Murarak and Mr. Abhijeet Muley had filed some false complaints against the plaintiff with the Joint Chief Controller of Explosives, West Circle, Mumbai."

In paragraph 9-

"That even after re-issuance of license in name of plaintiff number 1 firm, Mr. Deepak Murarka and Mr. Abhijeet Muley continued to file false and frivolous complaints against the plaintiff number 1 firm with an ulterior motive to harass the plaintiffs. Amongst the other complaints, they filed a false complaint in respect of license of the plaintiff before the District Magistrate at Akola."

In paragraph 19-

"However, now Mr. Deepak Murarka is claiming to the contrary in the complaint filed a before the District Magistrate and the defendant that the No Objection Certificate was issued in individual name of Shri Harjimal Murarka. Such false and contrary please raised by Mr. Deepak Murarka should invite action for contempt of court against him."

4. He placed reliance on the judgment of the Hon'ble Supreme Court in case of *Ratnagiri Gas and Power Private Limited vs RDS Projects Limited and others*, reported in *(2013) 1 SCC 524*, in order to contend that since there are allegations against the petitioner of he filing false complaint with *mala fide* intention against the respondent/original plaintiffs, he is a necessary party to the suit.

5. Learned Counsel for the respondent, on instructions, makes a statement that the allegations made against the petitioner in the aforesaid paragraphs would be withdrawn. He will move appropriate application before the trial Court for deleting the portion of the plaint which contains the allegations made against the petitioner.

6. Learned Counsel for the respondent/original plaintiffs undertakes to move an application before the trial Court for deleting these paragraphs/statements from the plaint.

7. In view of the fact that the allegations against the petitioner are withdrawn, nothing survives in the petition. The petition stands dismissed.

(R.M. Joshi, J.)