



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

WRIT PETITION No.1760 OF 2025

(Dr. Sanjay Padmsi Khona alise Abhednath Guru Sevanath Vs. Namdeo Ramkrushna Katkar
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. N.D. Borkar, Advocate for petitioner.
Ms. Vijaya Thakre, Advocate for caveater .

CORAM : ANIL L. PANSARE, J.

DATE : 5th MAY, 2025.

1. On 21st April, 2025 following order was passed :

“Heard.

2] Challenge is to order dated 27/2/2025 passed below Exh. 55 by the Civil Judge Junior Division, Darwha, in Regular Civil Suit No. 83/2018, thereby rejecting the application filed by the petitioner – original defendant under Order I Rule 10(2) of the Code of Civil Procedure, 1908, to strike out the parties – respondent nos. 1 to 6 – original plaintiff nos. 1 to 6, of which respondent no.3 has expired.

3] During the course of hearing, it transpired that in earlier round of litigation, which had arisen out of an order refusing to reject the plaint, this Court had noted that the trial Court has permitted respondent nos. 1 to 6 to institute suit in representative capacity vide order dated 12/12/2018 and the said order has attained finality.

4] Thus, it appears that the order permitting respondent nos. 1 to 6 to file suit in representative capacity, has attained finality.

5] In context with above, a query was made as to how the petitioner, without challenging the said order, can seek striking-off the said respondents. The learned Counsel for the petitioner seeks time to take instructions.

Granted.

6] Stand over in the week commencing from 5/5/2025.”

2. In response to the said order the counsel for petitioner (original defendant) has invited my attention to the prayer made in the suit. The prayer is to seek declaration that petitioner No.2 not Mahant but respondent No.7 (original plaintiff No.7) is Mahant/Mathadhipati.

3. According to petitioner, since the respondent No.7 has been made plaintiff No.7, the presence of other plaintiffs is not required.

4. The trial Court noted that the respondent Nos.1 to 6 were allowed to file suit in representative capacity on the ground that they are devotees and interested persons. In the circumstances, the trial Court was of the view that despite respondent No.7 having been added as plaintiff No.7, the presence of respondent Nos.1 to 6 will be proper, if not necessary.

5. The order appears to be in consonance with the material placed before the trial Court. There is no dispute that respondent No.1 to 6 were allowed to file suit in representative capacity. The said order has been not challenged till today. The finding that respondent Nos.1 to 6 are devotees and interested persons has attained finality. That being so, their presence, if not necessary, will be definitely proper to decide the suit. Thus, there is no merit in the petition. The petition stands dismissed. No costs.

(ANIL L. PANSARE, J.)