



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 88 OF 2026

MAHENDRA VITTHALRAO TAKANKHAR AND OTHERS
VERSUS
SUSHILABAI AASARAM JAWALE AND OTHERS

...
Mr. Vivek Vasantrya Bhavthankar, Advocate for the Petitioners.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th JANUARY, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 19.08.2025 passed below Exhibit-11 by Joint Civil Judge Junior Division, Majalgaon in Regular Civil Suit No.238/2021, whereby application filed by petitioners seeking impleadment in suit instituted by respondents has been rejected.

2. Mr. Bhavthankar, learned Advocate appearing for petitioners submits that respondent nos.1 to 6 instituted suit seeking decree of declaration and perpetual injunction. The petitioners hold land on Northern side of suit property. According to Mr. Bhavthankar, 96 R land owned by petitioners is likely to be affected by decree in suit. Therefore, application was made under Order I Rule 10(2) of Code of Civil Procedure seeking impleadment. However, Trial Court has erroneously rejected said application.

3. Perusal of impugned order would show that Trial Court observed that no prayers are made in suit that would affect rights

of parties. The suit is instituted in respect of land, which is specified by four boundaries in plaint. The land owned by petitioners is not part of suit property. In that view of matter, decision in suit can be rendered without presence of petitioners. The Trial Court was of view that decree passed in present suit would not affect any rights of petitioners. In that view of matter, application came to be rejected.

4. Although Mr. Bhavthankar, learned Advocate appearing for petitioners endeavours to impress upon this Court that decree would indirectly affect rights of petitioners, such contentions cannot be countenanced in absence of supporting material. The view taken by Trial Court cannot be faulted. No jurisdictional error is discernible from reasoning adopted by Trial Court in impugned order.

5. In result, Writ Petition sans merit. Hence, dismissed.

(S. G. CHAPALGAONKAR)
JUDGE