



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10860 OF 2025

SHOBHA ANIL GANLEWAR
VERSUS
GUNDERAO MAROTI GANLEWAR AND OTHERS

.....
Advocate for the Petitioner : Mr. Upendra Bapurao Bilolikar
Advocate for the Respondent Nos.1, 2, 4 and 5 : Mr. B. R. Kedar
.....

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 08th JUNE, 2026.

PER COURT :

1. The petitioner seeks to challenge the order dated 15.04.2025 passed by Civil Judge, Junior Division, Degloor below Exhibit-31 in Regular Civil Suit No. 302 of 2019, whereby application filed by respondent No.4 and 5 seeking impleadment in suit has been allowed.

2. The petitioner herein instituted Regular Civil Suit No.302 of 2019 seeking relief of declaration of ownership and perpetual injunction in respect of land Gut No.621 and 622 situated at Village Tadkhel, Tq. Degloor. It is contention of petitioner that in R.C.S. No.153 of 2001, a decree for partition has been passed, whereby joint family property has been partitioned amongst share holders. The petitioner acquired ownership and possession of his share as per decree and defendants tried

to interfere with the share allotted to him and disturbed his possession.

3. It appears that, during pendency of suit, respondent nos.4 and 5, who are sons of father-in-law and step mother-in-law of petitioner, filed an application below Exhibit-31, under Order 1 Rule 10 of the Code of Civil Procedure seeking their impleadment as parties in suit, contending that the boundaries shown in plaint are incorrect and overlaps with land in their ownership and possession. The Trial Court observed that although petitioner has not claimed any relief in suit against respondent nos.4 and 5, their impleadment is necessary.

4. Mr. Bilolikar, learned Advocate appearing for petitioner submits that petitioner has neither claimed any relief against respondent nos.4 and 5 nor they would be affected by decree i.e. likely to be passed in suit. The learned Trial Court has erroneously allowed their impleadment in suit.

5. Perusal of reasoning adopted by learned Trial Court shows that respondent Nos.4 and 5 are adjacent landowners of suit land. They are disputing the boundaries of suit property as specified in plaint. Their apprehension is that a decree passed in suit would affect their rights. Apparently, plaintiff is seeking a decree of declaration of ownership as

well as perpetual injunction in respect of suit property as per boundaries specified in plaint. If respondent nos.4 and 5 have reason to believe that, boundaries mentioned in plaint are overlapping to their land, they are definitely entitled to be impleaded in suit for defending their interest. On the basis of contentions of parties, it can be gathered that there are conflicting interest in respect of suit property and the interest of respondent nos.4 and 5 likely to be affected if suit is decreed. Hence, their impleadment would be necessary for effective adjudication of suit.

6. In that view of matter, this court finds no reason to invoke writ jurisdiction under Article 227 of the Constitution of India to interfere with impugned order. Writ petition sans merit, hence dismissed.

(S. G. CHAPALGAONKAR)
JUDGE