



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

999 WRIT PETITION NO. 10804 OF 2021

Samadhan Ajinath Shinde
VERSUS
Rekha Dayanand Shinde And Another

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Mr. Salgar Suresh Prabhakar, Advocate for the Petitioner
Mr. K. R. Doke, Advocate for Respondent No.1
Mr. B. A. Shinde, AGP for the Respondents - State

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WITH CIVIL APPLICATION NO. 11542 OF 2025
IN WP/10804/2021

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 14.01.2026

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of the present petition, the Petitioner assails the order dated 01.09.2021 passed below Exhibit – 17 by the learned 2nd Civil Judge, Junior Division, Paranda, District Osmanabad, in RCS No.311/2021, whereby the application filed by Respondent No.1 – Sarpanch, under Order 1 Rule 10 of the Code of Civil Procedure, 1908 came to be allowed.
3. After hearing the learned Counsel for both the sides, it reveals that the Petitioner, who is the Plaintiff, has filed a suit against the Gram Panchayat seeking reliefs of declaration and perpetual injunction, which is pending for adjudication. On perusal of the title clause of the plaint, it is evident that the Gram Panchayat has already been impleaded as a Defendant through the Gram Sevak. Once the suit is filed against against the Gram Panchayat and relief is claimed

against it, the Gram Panchayat is duly represented through the Gram Sevak. Merely because, after elections, a Sarpanch has been elected, it was not necessary for Respondent No.1 to seek impleadment as a party to the suit.

4. The position of law is well settled that the Plaintiff is *dominus litis* and cannot be compelled to implead a party against whom no relief is claimed. In the present case, no relief is claimed against the Sarpanch in her personal capacity. Since the Gram Panchayat is already a party to the suit, the application filed by Respondent No.1 under Order 1 Rule 10 of the Code of Civil Procedure was not maintainable. The learned Trial Court, therefore, committed an apparent error in allowing the said application.

5. In view thereof, the writ petition is allowed. The order dated 01.09.2021 passed below Exhibit – 17 by the learned 2nd Civil Judge, Junior Division, Paranda, District Osmanabad, in RCS No.311/2021 is quashed and set aside.

6. In view disposal of writ petition, pending civil application is also disposed of.

[SIDDHESHWAR S. THOMBRE, J.]