



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

WRIT PETITION NO. 1888 OF 2026

VAMAN LAXMAN CHAUDHARI AND OTHERS
VERSUS
MOHINI KAMLAKAR MAHAJAN

...
Mr. Praveen B. Gamot, Advocate for the Petitioners.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 23rd FEBRUARY, 2026.

P.C.:-

1. The petitioners impugn order dated 17.12.2025 passed below Exhibit-46 by Civil Judge Senior Division, Bhusawal in Special Civil Suit No.111/2023, whereby petitioners' application for impleadment of Mr. Vijaysingh Anandrao Shinde as party/defendant in suit instituted by respondent is rejected.

2. Mr. Gamot, learned Advocate appearing for petitioners submits that petitioners/defendants filed written statement alongwith counter claim. They have specifically pleaded in counter claim that Mr. Vijaysingh Shinde would be necessary party for adjudication of dispute. In spite of such contentions respondent/plaintiff failed to take steps to add him as party. Therefore, petitioners filed independent application below Exhibit-46 under Order I Rule 10 of Code of Civil Procedure seeking direction against plaintiff to add Mr. Vijaysingh Shinde as party/defendant in suit. However, Trial Court declined to accept

petitioners' contentions and eventually, rejected application filed below Exhibit-46.

3. Having considered submissions advanced and on perusal of order impugned in petition, it can be observed that petitioners could not make out any reason as to why presence of Mr. Vijaysingh Shinde as party/defendant in suit is necessary. The Trial Court has observed that plaintiff is *dominus litis* and it is for him to decide who shall be party in suit. It is true that Court has power under Order I Rule 10 of Code of Civil Procedure to direct plaintiff to add necessary party. However, in present case, petitioners could not demonstrate as to why Mr. Vijaysingh Shinde is necessary party for effective adjudication of his or decree cannot be passed in his absence.

4. Apparently, reasoning adopted by Trial Court is in tune with well established principle of law. No jurisdictional error is discernible from impugned order.

5. In result, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE