

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12164 OF 2025

Indrajit Baburao Patil And Others

... Petitioners

Versus

Deputy Inspector Land Records
And Others

... Respondents

Mr. Rahul P. Kasbekar, Advocate for Petitioners

Mr. Sanjay D. Rayrikar, A.G.P. for Respondent/State.

Mr. Sandeep Koregave, Advocate for Respondent No.4.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th MARCH, 2026.

P.C:

1. The petitioners raise an exception to the order below application Exhibit-56 under Order I, Rule 10 read with Section 151 of the Code of Civil Procedure (for short, "CPC"). The application by respondent No.4 seeking his impleadment.

2. The petitioners presented the suit raising an exception to the order rendered by respondent No.1 dated 17.12.2021 in relation to Gat No.237. Several proceedings were pending. The petitioners had objected before the District Inspector Land Records, Karvir, which resulted into cancellation of illegal Gunthewari order.

3. The learned counsel for the petitioners submits that the trial Court has not considered the scope and ambit of the Order I, Rule 10(2) of the CPC in its proper perspective, nor has it assigned any reasons in support of the order. As such, the order is unsustainable. In the process, the learned counsel for the petitioners has placed reliance on the verdict of the Hon'ble Apex Court, in the case of ***Mumbai International Airport Private limited Vs. Regency Convention Centre and Hotels Private Limited and Others***¹. Paragraph No.22 of the said judgment is reproduced as thus :

“22. Let us consider the scope and ambit of Order 1 Rule 10(2) CPC regarding striking out or adding parties. The said sub-rule is not about the right of a non-party to be impleaded as a party, but about the judicial discretion of the court to strike out or add parties at any stage of a proceeding. The discretion under the sub-rule can be exercised either suo motu or on the application of the plaintiff or the defendant, or on an application of a person who is not a party to the suit. The court can strike out any party who is improperly joined. The court can add anyone as a plaintiff or as a defendant if it finds that he is a necessary party or proper party. Such deletion or addition can be without any conditions or subject to such terms as the court deems fit to impose. In exercising its judicial discretion under Order 1 Rule 10(2) of the Code, the court will of course act according to reason and fair play and not according to whims and caprice.”

4. Per contra, the learned A.G.P for the respondent-State and the learned counsel for respondent No.4 have supported the order under

¹ (2010) 7 SCC 417.

challenge and prayed for dismissal of the petition.

5. Upon hearing the respective learned counsels for the litigating sides and perusal of the material on record as well as the corresponding provisions, it is a matter of record that the claim presented by the petitioners revolves around the measurement dated 17.12.2021 carried out at the instance of respondent No.4, which is the subject matter of the suit and, admittedly, the decision was rendered at the instance of respondent No.4.

6. Considering these vital aspects, the learned 4th Joint Civil Judge, Senior Division, Kolhapur, allowed the application in the order under challenge and has assigned cogent and sufficient reasons, while exercising the judicial discretion under Order I, Rule 10(2) of the CPC. As such, the respondent is to be regarded as a necessary party. As such, the contention of the petitioners that there are no reasons does not deserve to be accepted.

7. Resultantly, no error is committed by the Court, while allowing the application. The writ petition, therefore, does not warrant any consideration.

8. Hence, the Writ Petition stands dismissed.

[SACHIN S. DESHMUKH, J.]