



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5506 OF 2024

Pandurang s/o Tukaram Thakare

Vs.

Sarpanch, Gram Panchayat Ansing, Washim and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.D. Karode, Advocate for applicant.

Ms Naina Dhoke, Adv. h/f Shri M.V. Rai, Advocate for respondent nos.1 and 2.

Shri S.S. Deshpande, Advocate for respondent no.4.

CORAM : M.W. CHANDWANI, J.

DATE : 11.02.2026.

1. The petition seeks challenge to the order dated 10.07.2024 passed by the 2nd Joint Civil Judge, Senior Division, Washim in Regular Civil Suit No.107/2024, whereby the application below Exhibit-11 of the petitioner for adding him as party defendant in the said suit has been rejected mainly on the ground that the plaintiff in the said suit has neither claimed any relief against the petitioner nor his presence is necessary for adjudication of the suit and relied on the decision of *Santosh Hanuman Salunkhe Vs. Municipal Commissioner Ahmednagar and another*¹.

2. The contention of the petitioner is that it is the petitioner on whose application the notice for illegal construction has been issued by the Gram Panchayat therefore, he is in better position to defend the suit and is a necessary party. To buttress his submission, the reliance is

¹ 2018 (4) AIR Bom R 414

placed on the decision of this Court in the cases of *Digambar s/o Gangaram Halde (Patil) Vs. Sayyad Khaja S/o Sayyad Mohiyoddin anad others*² and *Shivprassad Venkatesh Kamat and another Vs. Vasant Shankar Naik*³ wherein power of the Court in terms of Order I Rule 10(2) of the Civil Procedure Code, 1908, has been discussed to the extent that the Court can at any stage of the proceedings if feels that the presence of any person is necessary for adjudicating the matter before it, add him as a party to the proceeding.

3. There is no dispute to the above legal position. However, in the case in hand, the Court has opined that since notice has been issued by the Gram Panchayat, no relief has been sought against the petitioner. The Court has also opined that the petitioners presence may not be necessary for disposal of the case. Therefore, the case relied by the petitioner would not helpful to him. Rather, the Court has on the contrary relied on the decision of this Court in the case of *Santosh* (supra) which is identical to the facts of the present case. Therefore, no interference is required in the impugned order of the trial Court when no perversity is found. Consequently, the petition stands dismissed.

(M.W. Chandwani, J.)

Wagh

² 2018 (5) MhLJ 653

³ 2017 (6) MhLJ 838