

Order Below Exh. 22 in R. C.S. No. 336/2025
(Amol Adinath Vadgave Vs. Executive Engineer, P.W.D. & Ors.)
(CNR No.MHSN020022952025)

This is an application moved by defendant No.1 and 2 for deletion of their names on the grounds that, the road regarding are which present suit has been filed is constructed under the Hybrid Annuity Model of the Maharashtra Government so it comes under the jurisdiction of Executive Engineer, Maharashtra State Infrastructure Development Corporation Mumbai. Defendant No.1 and 2 have no concern with it. Therefore, they are neither necessary nor proper party to the suit. So, their names be deleted from the suit.

2. The plaintiff has resisted the application by filing say at Exh.28 contenting that, work of road comes under Executive Engineer Maharashtra State Infrastructure Development Corporation Mumbai then also the work of the road was to be done by defendant No.1 and 2 or the work of the construction of the road was delegated to defendant Nos. 1 and 2 . They are the executing authority. Therefore, they are also necessary party to the suit. In case if the court thinks that the Executive Engineer Maharashtra State Infrastructure Development Corporation Mumbai is also necessary party then the plaintiff is ready to implead it as a party in this suit. Hence, on all these and other grounds he prayed for rejection of the application.

3. Heard learned advocate for the plaintiff while learned advocate for the defendants remained absent to argue the matter. Hence, application proceeded without his argument.

4. Admittedly, the suit is in respect of work of road

carried out under the project of Maharashtra State Infrastructure Development corporation, Mumbai. It is the contention of the plaintiff that, at the local level the work is to be carried out by defendant No.1 and 2 as powers of its execution has been delegated to them. Though, the principal authority is executive engineer Maharashtra State Infrastructure Corporation Mumbai, then also the local authorities are defendant Nos.1 and 2. So considering this aspect defendant No.1 and 2 are also necessary party to present suit as the work is to be carried out by them and the grievance of the plaintiff is in respect of the conduct of work done by defendant Nos.1 and 2. So considering this aspect in my view their presence is necessary for just decision of the matter and to adjudicate the dispute between the parties. Thus, I pass following order:-

ORDER

Application Exh.22 is hereby rejected.

Date -27/02/2026
Sangli.

(Vibha P. Gaikwad)
Jt.Civil Judge Sr. Division, Sangli.