

Order below Exh.23

1. Present application is filed by third-party i.e. Jayant Balkrishna Joshi for impleading him as defendant No. 3 in the suit. He has contended that he is owner of 9H. 62R area in Gat No. 409 of village Nandalapur, Tal-Karad, according to him above property is his and one Pramod Pathak's ancestral property. He has contended that the suit property was wrongly given by tenancy to Mahadev Tukaram Kachare. So, he has various filed tenancy appeal which are yet pending. According to him the sale-deed executed in favour of plaintiff is illegal, the plaintiff has suppressed material from the Court. According to the third party he is the owner of suit property and as such necessary party to present suit. Hence, he has prayed impleading him as defendant No. 3 in present suit.

2. On present application plaintiff failed to file his say in spite of sufficient opportunity. Present application is pending since long neither third-party or his counsel nor even the plaintiff remains present, hence application is taken-up to be decided on merit.

3. Present suit is for simplicitor injunction filed by the plaintiffs against the State Government of Maharashtra for restraining them from interfering in their work of extracting minerals from the suit property. Now according to plaintiff on the suit property the defendant No. 1 has given the permission of doing mining work. Said license was given for 5 years by defendant No. 1 in favour of plaintiff No. 3, but the village Talathi has visited the site and instructed them to not do further mining work in the suit property. So present suit is filed by plaintiff for simplicitor injunction.

4. Here, plaintiffs are claiming reliefs against the State Government of Maharashtra in respect of mining rights given under

license on the other hand third party is claiming to be owner of suit property. But right of third party in respect of title of suit property is yet to be established. The third party can claim necessary reliefs by filing separate suit in this suit neither the third-party is necessary nor proper party. Hence, no purpose would be served by making third-party has he can established his rights by separate suits. Hence, following order.

ORDER

Application is rejected.

Date-19/12/2022.
Place-Karad

(Smt.S. Y. Deshmukh)
2nd Jt. Civil Judge, Sr. Dn, Karad.