

MHST200000442026



R C. S No.31/2026

Shantaram vs State

ORDER BELOW EXH. 29

The present application is filed seeking dismissal of the suit by challenging jurisdiction of this Court to try and entertain the suit.

02. The present suit is filed by the plaintiffs seeking declaration of ownership and permanent injunction in respect of the suit agricultural land bearing Gat No.415 situated at Village Khandala, Taluka Khandala, District Satara. The plaintiffs have also sought interim protection against Defendant Nos.4 to 6 from interfering with their alleged possession and cultivation over the suit property.

03. During the pendency of the suit, Defendant No.4 – Dattatraya Gopalrao Gadhave has filed the present application contending that this Court lacks jurisdiction to entertain and try the suit. According to Defendant No.4, although the plaintiff has arrayed Defendant Nos.1 to 3, namely the State authorities such as the District Collector, the Consolidation Officer and the District Rehabilitation Officer, no substantive relief has been claimed against them. It is contended that the dispute essentially relates to agricultural land situated within the territorial jurisdiction of Khandala, and therefore the suit ought to have been filed before the Civil Judge, Junior Division at Khandala. According to the applicant, the plaintiff has deliberately impleaded government authorities as defendants only to bring the suit within the jurisdiction of this Court. On these grounds, Defendant No.4

prayed that the suit be dismissed at the preliminary stage for want of jurisdiction, and that costs be imposed upon the plaintiff.

04. The plaintiffs have filed their say opposing the application. The plaintiffs denied the allegations made by Defendant No.4, and contended that the objection raised is baseless and intended only to delay the proceedings. According to the plaintiffs, Defendant Nos.1 to 3 have been impleaded as parties because the dispute involves issues relating to consolidation records and maps prepared by the revenue authorities. The plaintiffs contend that the consolidation map relating to Gat Nos.415 and 416 has been wrongly prepared and therefore the presence of the concerned government authorities is necessary for effective and complete adjudication of the dispute. The plaintiffs further contend that they and their predecessors have been in possession of the suit property since the year 1947 by virtue of a registered sale deed executed in favour of their predecessor Gangubai Maruti Thorat. The plaintiffs therefore submitted that the suit is maintainable before this Court and the application deserves to be rejected.

05. I have heard the submissions and perused the record.

06. From the averments in the plaint, it appears that the plaintiffs claim title and possession over the suit property on the basis of a registered sale deed dated 15/03/1947 and subsequent revenue entries. The plaintiffs have also raised a grievance regarding the allegedly incorrect consolidation map prepared by the revenue authorities. In that context, Defendant Nos.1 to 3, who are government authorities concerned with consolidation and revenue records, have been impleaded as parties to the suit.

07. It is true that the plaint does not contain any specific or substantive relief against Defendant Nos.1 to 3, who are government authorities. However, it appears that the plaintiffs have challenged the correctness of the consolidation map and the revenue records prepared by the said authorities. Therefore, the plaintiffs have impleaded them as parties so that effective and complete adjudication of the controversy relating to the suit property and the relevant records can be made. At this stage, it cannot be said that the presence of Defendant Nos.1 to 3 is wholly unnecessary so as to reject the suit on the ground of lack of jurisdiction.

08. At this stage, the Court is only required to consider whether the plaint on its face discloses a cause for instituting the suit before this Court. Whether Defendant Nos.1 to 3 are necessary or proper parties and whether the consolidation records are in fact incorrect are matters which can be examined only during the course of trial after evidence is led by the parties.

09. It is well settled that a suit cannot be defeated merely on the ground of misjoinder or non-joinder of parties, as provided under Order I Rule 9 of the Code of Civil Procedure, 1908. Further, the plaintiff, being *dominus litis*, has the right to choose the parties to the suit unless such impleadment is shown to be wholly unnecessary or fraudulent so as to confer jurisdiction artificially. At this preliminary stage, no such conclusion can be drawn merely on the basis of the pleadings in the application filed by Defendant No.4.

10. Moreover, the question regarding jurisdiction, particularly when it depends upon the nature of reliefs claimed and the role of the government authorities in relation to the disputed records, involves mixed questions of fact and law. Such issues can appropriately be

determined after framing necessary issues in the suit and after giving an opportunity to the parties to adduce evidence.

11. In view of the above reasons, I am of the considered view that the present application does not warrant dismissal of the suit at this stage. The objection raised by Defendant No.4 regarding jurisdiction can be considered at an appropriate stage during the trial. Hence, the following order is passed.

ORDER

1. The application filed by Defendant No.4 for dismissal of the suit on the ground of lack of jurisdiction is rejected.
2. The contention regarding jurisdiction is kept open to be considered at an appropriate stage in accordance with law.
3. No order as to costs.

(A.G.Deshmukh)

Civil Judge Senior Division, Wai
Dist-Satara.

Wai
Date: 13.03.2026
