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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1928 OF 2015

Madan s/o Manikrao Muthal

PETITIONER

VERSUS

Balasaheb s/o Vithalrao Naikkille

RESPONDENTS

Mr.B.S.Kudale, Advocate for the petitioner

Mr.G.N.Chincholkar, Advocate for Respondents No.3 to 5.

CORAM : N.W. SAMBRE, J.

DATE : 23rd November, 2015

ORAL ORDER :

1. By an order dated 7th January, 2015, passed below Exhibit-22, the Respondents/ third party are permitted to be added as parties to Regular Civil Suit No.195 of 2012, which order is impugned herein.

2. Perused the application Exhibit-22. It is noticed that third party, who has sought impleadment, has based its case on an alleged agreement entered into between defendant and them. The plaintiff is not seeking an injunction restraining the defendants from transferring the suit property.

3. As such, on the basis of alleged agreement between the defendant and third party, no right could be carved out for impleading the third party

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as defendants.

4. In the light of above, the impugned order is not sustainable and stands quashed and set aside. The application Exhibit-22 in Regular Civil Suit No.195 of 2012 stands rejected.

Writ Petition stands allowed in above terms with no order as to costs.

(N.W. SAMBRE, J.)

amj