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

**CIVIL APPLICATION NO.12614 OF 2016
IN
SECOND APPEAL NO.173 OF 2009**

Pernabai w/o Gangaram Gadade
and anr.

..APPLICANTS

VERSUS

Suryabhan s/o Tukaram Dhaigude
and ors.

..RESPONDENTS

Mr P.D. Suryawanshi, Advocate for applicants;
Mr S.S. Choudhari, Advocate for respondents no.1 to 3
Mr R.D. Thorat, Advocate for respondents no.3 & 4

CORAM : NITIN W. SAMBRE, J.

DATE : 20th November, 2017

ORAL ORDER:

Learned Counsel appearing on behalf of applicants undertakes to serve additional copies of application on the respective Counsel during the course of the day. Statement is accepted.

2. Though the present application is styled as application for intervention, still looking to the pleadings and prayers made therein, it has to be read down to mean the prayer of the applicants to implead them as defendants in a suit for partition.

3. Having appreciated the findings recorded in Regular Civil Suit No.74 of 2009 preferred by the applicants, wherein the suit of the applicants is dismissed in view of pendency of the present second appeal, in my

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opinion, it would be appropriate to allow the present applicants to be added as respondents. The appellants shall carry out appropriate amendment within a period of two weeks from today.

Civil Application as such, stands allowed.

(NITIN W. SAMBRE, J.)

amj