

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
918 CIVIL APPLICATION NO. 15121 OF 2018
IN
SA/1182/2005**

**VAIJANATH MAHADA MALI
VERSUS**

**NARAYAN TRIMBAKRAO DESHPANDE DIED BY
LRS LAXMIKANT NARAYAN DESHPANDE AND
ORS**

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Mr. Eknath Sawant h/f Mr. V.V.Bhavthankar,
Advocate for applicant.

Mr. S.K.Naikwade, Advocate for R – 17 to 22.

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CORAM: V.L. ACHLIYA,J.

DATE : 04/12/2019

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ORAL ORDER :

1. This application is filed seeking following reliefs :
 - [A] The Civil Application for adding respondent Nos. 17 to 22 i.e. purchasers of suit land may kindly be added in Second Appeal No. 1182 of 2005.
 - [B] Pending the final hearing and disposal of this Second Appeal No. 1182 of 2005 the respondent Nos. 17 to 22 may kindly be restrained by order of injunction restraining them from creating third party interest in the suit land and from developing suit lands i.e. S.No. 312 admeasuring 5 Acres 11 Gunthas situated at Parli town, Taluka Parli, District Beed.
 - [C] Any suitable order be passed.

2. Learned counsel for respondent Nos. 17 to 22, who are sought to be added submits that he has no objection to allow the application to the extent of adding respondent Nos. 17 to 22 in Second Appeal No. 1182 of 2005. However, learned counsel objected the relief claimed in prayer clause [B] and submitted that no such relief can be claimed unless the application is allowed and the respondents are added as party respondent to the Appeal.

3. Learned counsel for applicants seeks permission to withdraw the application in terms of relief claimed in prayer clause [B] with liberty to file separate application to claim relief in terms of prayer clause [B].

4. The application is allowed in terms of prayer clause [A]. Necessary substitution be carried out within one week and amended copy of Appeal memo be served to the learned counsel for respondents.

5. The application is disposed as withdrawn as to prayer clause [B] with liberty as prayed for.

[V.L.ACHLIYA]
JUDGE