

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

WRIT PETITION NO.14299 OF 2019

SHESHRAO KRUSHANAJI PATIL AND ANOTHER
VERSUS
PUSHPABAI MURLIDHARRAO MUGALIKAR KULKARNI AND OTHERS

...
Advocate for the Petitioners : Shri Bhide Vinod Y.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 27th November, 2019

Per Court:

1 The petitioners, who are presently unconnected with RCS No.38/2011, are aggrieved by the order dated 19.10.2019 delivered by the Trial Court by which, the application exhibit 80 is allowed and the applications exhibits 84 and 85 are rejected. By the impugned order, the court commissioner has been appointed and the suit lands are being measured.

2 The apprehension of the petitioners is that their land will also be measured and might be grabbed by the litigating parties taking advantage that the petitioners are not parties to the suit. It is then submitted that the application exhibit 88 filed by the petitioners seeking intervention in the suit is pending.

3 In view of the above, this Writ Petition is disposed off.

4 The next date of hearing in the suit before the Trial Court is said to be 06.12.2019. The Trial Court would direct the parties to advance their submissions on exhibit 88 and shall decide the said application as expeditiously as possible and in any case, on or before 20.12.2019.

5 Needless to state, if the petitioners are allowed to intervene, the grievance as against the impugned order dated 19.10.2019 may be voiced by resorting to an appropriate proceeding as may be permissible in law.

kps

(RAVINDRA V. GHUGE, J.)