

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

Civil Application No. 14321 of 2018
(In Second Appeal No. 0451 of 2018)

District : Nanded

Sabiyabegum w/o. Mahmood Khan
& 15 others.

.. Applicants.

versus

Arundas s/o. Shivrao Kanegaonkar
& 08 others.

.. Non-applicants.

.....

Mr. G.R. Syed, Advocate, for the applicants.

Mr. N.B. Kamble, Advocate, for non-applicant no.01.

*Mr. S.M. Ganachari, Asst. Government Pleader, for
non-applicants no.02 and 03.*

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 12TH MARCH 2019

ORAL ORDER :

01. Present application has been filed and it is stated to be for intervention. The present applicants are praying for permission to intervene in the second appeal and it is stated that in view of peculiar facts and circumstances.

02. Perusal of the application would show that what applicants want to canvass is their so called

right in respect of some other property which is certainly not the suit property. When it is not certainly the suit property, they cannot acquire any interest, right or title in the suit property, allowing them to have resort to Order I Rule 10 of the Code of Civil Procedure, 1908. If at all there is remedy available for them, it is elsewhere and, therefore, the civil application is disposed of.

(Smt. Vibha Kankanwadi)
JUDGE

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