

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

WRIT PETITION NO.10231 OF 2021

**RANI SHIVRAJ BADUR AND ANOTHER
VERSUS
PRASHANT VIJAYKUMAR KAPPIKERE AND OTHERS**

Mr.P.U.Kavde, Advocate for petitioners

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 16, 2021**

ORDER :-

Heard.

2. The challenge in this petition is to the final decree in respect of house property passed by the Court of Civil Judge, Senior Division, Udgir, in Special Civil Suit No.52 of 2001. According to the petitioners, the sisters were not parties to the said suit and thus, a fraud has been played with them and the Court as well.

3. There can be no dispute that a decree obtained by playing fraud is nullity and such defence can be set up in any proceedings. In the present case, a remedy of appeal is very well available to the petitioners herein.

4. Since remedy of appeal is very much available to the petitioners, the Writ Petition stands disposed of.

[R.G. AVACHAT, J.]

KBP