

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

WRIT PETITION NO.11152 OF 2022

**TUKARAM DNYANOBA KAMBLE THROUGH GENERAL POWER OF
ATTORNEY SANDHYA TUKARAM KAMBLE**

VERSUS

SANGITA ASHOK GHATMAL AND ANOTHER

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Mr. Sandeep D. Munde, Advocate for the Petitioner.

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CORAM : SANDEEP V. MARNE, J.

DATED : 11th NOVEMBER, 2022.

PER COURT:-

1. The present petition is filed challenging the order dated 13.09.2022 passed by the Civil Judge, Junior Division, Ambajogai rejecting the petitioner's application for impleadment in the Suit under the provisions of Order 1 Rule 10(2) of the Code of Civil Procedure.

2. The plaintiff's suit appears to be in respect of house no.530/2, whereas the property in respect of which ownership is claimed by the petitioner is numbered as house no.4847. Therefore, it appears that the two properties are different and distinct.

3. It is the case of the petitioner that the plaintiff has deliberately filed a collusive suit against the defendant from whom he has purchased the property bearing house no.530/2 and by taking disadvantage of the order of interim injunction

passed in the suit, the plaintiff is attempting to dispossess the petitioner.

4. It is difficult to accept the contention as the two properties appear to be completely different. It is incomprehensible as to how any interim injunction or a final decree passed in respect of the property bearing house no.530/2 can be used for the purpose of dispossessing the petitioner from an altogether different property bearing house no.4847. The Trial Court in my opinion has rightly rejected the petitioner's application for impleadment in the suit. Any decree that would be passed in the suit instituted by the plaintiff would be restricted only to the property bearing house no.530/2 and there is no question of the same be utilized for dispossession of the petitioner in respect of house no.4847.

5. The petition is devoid of merits and the same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE