

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1242 OF 2009**

Anil Shankar Badave

.... Petitioner.

V/s

Sopan Deorao Chole
and Others

.... Respondents.

Mr. Ajay A. Joshi for the Petitioner.

Ms. Mrunmayi Khambete for Respondent No.1.

Mr. P.B. Shah for Respondent No.2.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 10, 2022

P.C.:-

1] Special Civil Suit No.51 of 2004 was initiated by Respondent No.1 for declaration of ownership by virtue of Will executed on 17th June, 2002, possession of the suit property and mesne profit. I am informed that during pendency of suit, Defendant No.1 expired. Application Exhibit-56 was taken out by third party under Order-I Rule 10 sub-rule (2) of the Civil Procedure Code for impleadment on the ground that he is in possession of the suit property.

2] Prayer for impleadment is rejected vide impugned order dated 12/09/2008.

3] Heard respective Counsels for the parties.

4] Respondent No.1/Plaintiff has supported the case of third party for interim relief as the third party has interest in the suit property. Parties are at *ad idem* that Application-Exhibit-56 can be granted.

5] That being so, order impugned passed below Exhibit-56 is quashed and set aside. Application-Exhibit-56 stands allowed.

(NITIN W. SAMBRE, J.)