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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14365 OF 2023 IN
SECOND APPEAL NO. 179 OF 2023

Bharatbai Baburao Shinde

.. Applicant

Versus

Maroti Ramrao Biradar & others

.. Respondents

Mr. S. P. Shah, Advocate for the applicant.

Mr. P. N. Kalani, Advocate for respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 12th JANUARY, 2024.

PER COURT :

1. Learned counsel for applicant, without prejudice to rights of the applicant and in view of order passed in Civil Application no. 14992/2023, does not want to press this application at this stage.
2. Application is dismissed for want of prosecution.

(R. M. JOSHI)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14992 OF 2023 IN
SECOND APPEAL NO. 179 OF 2023

Sachin Pandurang Biradar & another

.. Applicants

Versus

Bhartbai Baburao shinde & others

.. Respondents

Ms. Anagha Pedgaonkar, Advocate for the applicants.

Mr. S. P. Shah, Advocate for respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 12th JANUARY, 2024.

PER COURT :

1. This application is filed by applicants for intervention in the second appeal on the ground that original defendant No. 1/appellant has sold the suit property to applicants herein. Thus, they claim right, title and interest in the suit property and on this ground, they seek their impleadment to this appeal.

2. Learned counsel for both sides cannot dispute the fact that present applicants are necessary party to the appeal. In view of this, application is allowed in terms of prayer clause 'B' and 'C'. Appellant to carry out necessary amendment by adding applicants as appellants in the appeal.

3. Application stands disposed of.

(R. M. JOSHI)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14366 OF 2023 IN
SECOND APPEAL NO. 179 OF 2023

Bharatbai Baburao Shinde

.. Applicant

Versus

Maroti Ramrao Biradar & others

.. Respondents

Mr. S. P. Shah, Advocate for the applicant.

Mr. P. N. Kalani, Advocate for respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 12th JANUARY, 2024.

PER COURT :

1. At the outset, learned counsel for the applicant seeks amendment in prayer clauses A and B to specify suit property therein.

2. Leave granted. Amendment be carried out forthwith.

3. This application is filed by original respondent No. 1 in second appeal seeking direction against appellants including added appellants restraining them not to create third party interest in the suit property. Learned counsel for applicant submits that the impugned judgment and decree has been stayed by this Court by order dated 5th May, 2016. According to him, in view of stay to the

impugned judgment and decree, the property in question needs to be preserved and in such circumstances, appellants need to be prevented from alienating the suit property or creating third party interest therein.

4. Without prejudice to the rights and contention of appellants, learned counsel for added appellants, on instructions, makes a statement that the appellants would not create third party interest in respect of the suit property as described in the operative part of the order dated 7th October, 2005 passed by Civil Judge Junior Division, Udgir in Regular Civil Suit no. 370/1998. The said statement is accepted as undertaking. In view of the statement, no separate order needs to be passed on the application. Application is disposed of in above terms.

(R. M. JOSHI)
Judge

dyb