

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5075 OF 2014

Maruthi Balawant Patil and another

.. Petitioners

Versus

Smt. Priya Ramakant Tawade and others

.. Respondents

Mr. Pradeep D. Dalvi, Advocate for the Petitioners.

CORAM : R.M. SAVANT, J.

DATE : 05th JANUARY, 2015

PC.

1. The order dated 16.12.2013 passed by the Learned 2nd Joint Civil Judge, Senior Division, Kolhapur by which order the application Exh.31 came to be partly allowed is taken exception to by way of the above Petition.

2. The Petitioners herein are the original Plaintiffs in Special Civil Suit No.124 of 2007 which they have filed for specific performance of the agreement for sale dated 20.03.1999 which has been executed in their favour by Defendant Nos.1 and 2. The Petitioners by the instant application Exh.31 had prayed for joining the other co-owners as the co-Defendants as also the subsequent purchaser one Sachin Shamrao Jadhav and incorporation of the consequential amendments sought vide

paragraph No.6-A, 6-B and 6-D which are relating to the said Sachin Shamrao Jadhav. The Trial Court as indicated above has partly allowed the said application Exh.31, in as much as, the Trial Court allowed impleadment of Sachin Shamrao Jadhav as party Defendant to the suit as he is subsequent purchaser, but rejected the application for joining the co-owners as Defendants to the suit on the ground that the said co-owners have no privity of contract with the Plaintiffs, as the privity of contract is with the Defendant Nos.1 and 2. The Trial Court has referred to the judgments of this Court as well as the Apex Court in the impugned order whilst partly allowing the said application. In my view, having regard to the fact that the other Defendants have no privity of contract with the Plaintiffs and since the subsequent purchaser has been allowed to be impleaded, no case for interference is made out. The Writ Petition is accordingly, dismissed.

[R.M. SAVANT, J]