

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CAS NO.527 OF 2011

IN

SA ST. NO.7814 OF 2011

Hemant Purohit and ors

..vs..

Sheshrao Patil and ors

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri M.R. Joharapurkar, counsel for the applicants.
Shri V. Dhabde, counsel for NA Nos.2(a,b,c,e and f).

CORAM : A.P. BHANGALE, J.

DATE : JULY 17, 2015.

Heard.

By this application applicants who seek condonation of delay of 497 days caused in filing the second appeal are not party to the proceedings in the Courts below.

Learned counsel for the non-applicants strongly opposes the application for condonation of delay on the ground that the applicants have no *locus standi* whatsoever. Even assuming that they are purchasers during the pendency of the proceedings, they cannot have right at all in the suit property and their rights if any are subject to decision of the pending proceedings between original parties. None of the parties moved to implead them either as plaintiff or defendant in the Courts below. First Appeal No.247 of 2011 preferred from judgment and decree passed in RCA No.462 of 1997 is already pending.

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The remedy of the applicants may be to intervene in Second Appeal No.247 of 2011 which is still pending in this Court or to move application when the decree is sought to be executed. Hence, for want of *locus*, the application is rejected.

The civil application is disposed of accordingly.

JUDGE

!! BRW !!

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