

Sequeira

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

***SECOND APPEAL NO. 281 OF 2015
Along with
CIVIL APPLICATION NO. 429 OF 2014***

Suresh Sidram Mhatre. ... Appellant / Applicant
Vs.
Siddharam Dattatraya Badure & ors. ... Respondents

Mr.Surel Shah, for the Appellant.
Mr.I.M.Khairdi, for Respondent Nos.1 & 2.

***CORAM : N.M.Jamdar, J.
Wednesday, 27 July 2016.***

P.C. :

Heard learned counsel for the parties.

2. The Suit filed by the Respondents-Plaintiffs for partition is decreed by the learned Civil Judge. The Appeal filed by the Appellant in the District Court is dismissed.

3. The Appellant is the original Defendant No.6. He claims to have purchased the property from some of the Defendants. The learned counsel for the Appellant advanced the sole contention that the order may be passed directing the vendor of the Appellant to

assign their interest in his favour. The learned counsel for the Respondent Nos.1 and 2 opposes. He submits that the Appellants are not bonafide purchasers of the property. It is not necessary to enter into that issue as the learned District Judge has already observed that the Appellants have an option to take steps against his vendors. Therefore, the Appellant is not remedyless and can pursue his remedy against his vendors if permissible and as per law. In view of this clarification no further orders are required to be passed in the Appeal. Second Appeal is accordingly dismissed.

(N.M.Jamdar, J.)