

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1773 OF 2015
IN
SECOND APPEAL NO.150 OF 1998

Shri Dadu Nemisha Balwan & Ors.

... Applicants

Vs.

Shri Sadiq Malikso Bargir & Ors.

... Respondents

Mr.P.Arjunwadkar for the Applicants
Mr.Vaibhav Gaikwad i/b A.A. Kumbhakoni, Sr.Adv. With Mr.A.M. Kulkarni
for Respondent No.1

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 25th FEBRUARY, 2016
(In Chambers)

P.C.:

1. Perused the impugned order dated 11.9.2012 and also order dated 20.3.2015 passed by my brother Judge. This review application is made by the present petitioner seeking stay on the suit property which was earlier vacated by this Court by the impugned order. The learned Counsel for the applicants submits that when stay was vacated on 11.9.2012, the present petitioner was not impleaded as a party in the appeal. He came on record subsequently i.e., on 31.7.2013 and, therefore, submits that the impugned order is to be reviewed and stay be granted.

2. The learned Counsel for the respondents has opposed the application on the ground that there is no application for condonation of delay and secondly he is not the legal representative of the original appellant and he is a third party in whose favour who has purchased the land from the legal representatives of the appellants *lis pendens*.

3. It appears that this petitioners are added subsequently in the array of the proceedings. However, this cannot be considered within the scope of Order 47 and Section 114 of the Code of Civil Procedure. Hence, the application is rejected with liberty to the applicants to take appropriate proceedings for stay, as permissible in law.

(MRIDULA BHATKAR, J.)