

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.487 OF 2014
IN
CIVIL REVISION APPLICATION NO.873 of 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.G.S. Godbole, Senior Advocate a/w. Mr. Siddhartha R. Ronghe, for the Applicants.
Mr. Manoj P. Mhatre, Advocate for the respondent.

CORAM : R. G. KETKAR, J.

DATE : 26/07/2016

P.C.:

1. Heard Mr.G.S. Godbole, learned Senior Counsel for the applicants and Mr.Manoj Mhatre, learned Counsel for the respondent, at length.
2. By this application, the applicants have prayed for permission to applicant No.2 to prosecute Civil Revision Application as applicant No.2 on the ground that during pendency of the suit, applicant No.1 had executed deed of conveyance on 23.12.2011 in favour of applicant No.2. Mr. Godbole relied upon Order XXII Rule 10 of C.P.C. and submitted that as applicant No.1 has conveyed his right, title and interest in the suit property

in favour of applicant No.2, he deserves to be impleaded.

3. On the other hand, Mr. Mhatre invited my attention to the reply filed by the respondent opposing the application as also cross-examination of applicant No.1. He submitted that though the conveyance was executed in the year 2011, during pendency of the suit as also during pendency of the appeal, no such application was made either in the trial Court or in the Appellate Court. In other words, the application suffers from gross delay and laches which are not explained. He, therefore, submitted that no case is made out for granting the relief.

4. I have considered the rival submissions advanced by learned Counsel appearing for the parties. I have also perused the material on record. The respondent has not disputed execution of the conveyance by applicant No.1 in favour of applicant No.2. In view of Order XXII Rule 10 of C.P.C., as applicant No.1 has conveyed his right, title and interest in favour of applicant No.2, applicant No.2 deserves to be impleaded in the proceedings. Applicant No.2 ought to have made application in the trial Court pending suit. As the present application is made belatedly, the said relief can be granted

subject to imposition of costs.

5. Hence, Civil Application is allowed in terms of prayer clause (b) subject to the applicant paying costs of Rs.10,000/- to the respondent. Costs shall be paid within two weeks from today. Civil Application is disposed of accordingly.

(R. G. KETKAR, J.)