

4IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.1025 OF 2014

Dhondi Govind Shinde (decd.) through LRs		
Vanita Pandurang Shinde and others	...	Applicants
Vs.		
Shree Raunak Farms Pvt. Ltd. through C.A.		
Mahadeo Babu Parit and others	...	Respondents

Mr. Rahul P. Walvekar for Applicants.
Mr. Sugandh B. Deshmukh a/w. Mr. Anand S. Patil for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : MARCH 01, 2016

P.C. :

Heard Mr. Walvekar, learned Counsel for applicants and Mr. Deshmukh, learned Counsel for respondent No.1.

2. Mr. Deshmukh submitted that during the pendency of the Suit instituted by the respondent No.1, applicants-defendants had sold the property on 07.03.2015. Applicants, therefore, have no locus to maintain this Application to challenge order dated 26.08.2014 passed by the learned trial Judge below exhibit-35. Mr. Walvekar does not dispute this position.

3. Respondent No.1-plaintiff has instituted Suit against the applicants. It is not in dispute that during the pendency of the Suit, applicants have sold the property on 07.03.2015. Applicants / the purchaser have/has not made application for impleadment. As the applicants are divested of their title, they cannot maintain this application. In view thereof, Application is disposed of as not maintainable reserving liberty to applicants or purchaser to apply for impleadment of purchaser before trial Court. Liberty is reserved to the

purchaser to challenge the impugned order. It is made clear that I have not examined the merits of the case. All contentions of the parties on merits are expressly kept open.

(R. G. KETKAR, J.)

Minal Parab