

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1884 OF 2015
IN
SECOND APPEAL NO.473 OF 2006

Madhav R. Bhosekar ...Applicant

IN THE MATTER BETWEEN :

Mukund R. Bhosekar & Ors. ...Appellants

V/s.

Madhav R. Bhosekar & Anr. ...Respondents

Mr.Machhindra Patil for the Applicant.

Mr.Prasad Kulkarni for the Respondent No.1.

CORAM : R.D. DHANUKA, J.

DATE : 26TH AUGUST, 2016.

P.C. :-

1. By this civil application the applicant (original respondent) to the Second Appeal No.473 of 2006 seeks impleadment of Bajarang Namdeo Gade as one of the respondent in the second appeal filed by the respondents to this civil application (original appellants in Second Appeal No.473 of 2006).

2. It is the case of the applicant that the said Bajarang Namdeo Gade has not paid any rent to the present applicant and is using part of the premises for supplying the medical material. It is the

case of the applicant that the original appellants had been illegally collecting the rent from Bajarang Namdeo Gade. It is submitted by the learned counsel for the applicant that though this Court by an order dated 27th August, 2007 had directed the parties to maintain *status-quo* in Civil Application No.178 of 2006, the original appellants are collecting the rent from Bajarang Namdeo Gade.

3. In my view, the said Bajarang Namdeo Gade cannot be impleaded in this second appeal filed by the original appellants on the grounds mentioned in the civil application. The applicant has already filed the contempt proceedings against the respondents alleging violation of the *status-quo* order passed by this Court on 27th August, 2007.

4. The civil application is thoroughly misconceived and is accordingly dismissed. It is made clear that the applicant may adopt appropriate proceedings against the said Bajarang Namdeo Gade in appropriate Court. If any such proceeding is filed, the same can be considered on its own merits.

5. The civil application is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)