

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.3155 OF 2013

Murlidhar S/o Bhauseth Kajale
and others. ... Petitioners.

Versus

Dhananjay S/o Devendra Kajale
and another. ... Respondents.

...
Mr.P.R.Patil, advocate for the petitioners.

...

CORAM : S.V.GANGAPURWALA J.

Date : 28.08.2017.

PER COURT :

1. Heard Mr.Patil, learned counsel for the petitioners.

2. Learned counsel submits that the ground on which the application is made is that during the pendency of the suit, the property has been

sold. In that case Section 52 of the Transfer of Property Act would squarely apply.

3. It appears that the Court has considered that the suit is for partition and separate possession. Whether the suit properties are ancestral properties or self-acquired properties would be concluded only at the time of final adjudication. The purchaser is added as a party. Even otherwise, as per Order 22 Rule 10 of the C.P.C. the purchaser is representative in interest of the vendor.

4. Considering above, no case for interference. The Writ Petition is disposed of. No costs.

(S.V.GANGAPURWALA, J.)

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