

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.594/2017
IN
WRIT PETITION NO.605/1999

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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Mrs. Gauri Godse for the applicant
Mr. Prasad B. Kulkarni for respondent No.10.
Mrs. Maneesha Patel for respondent No.9.

CORAM : K. K. TATED, J.
DATE : AUGUST 2, 2017

RC.:

1. Heard.
2. The learned counsel for the applicant submits that in the present proceedings, the learned counsel for respondent No.9 has filed Affidavit-in-Reply dated 20.06.2017 disclosing the correct name of respondent No.9 as Kartarsingh Suchansingh Bhatti. Therefore, the learned counsel for the applicant seeks liberty to carry out appropriate amendment showing the name of respondent No.9 as stated in the Affidavit-in-Reply.
3. Hence, leave to amend is granted.

4. This application is made by the petitioner for joining proposed respondent Nos.9 and 10 as respondents in the Writ Petition.

5. The learned counsel for the applicant submits that during pendency of the Writ Petition, respondent Nos.1 to 8 sold the suit property to respondent No.9 and now respondent No.9 has entered into an agreement for sale with respondent No.10. Therefore, both of them are necessary parties in the Writ Petition.

6. On the other hand, the learned counsel for respondent Nos.9 and 10 vehemently opposed the Civil Application. They submit that they are *bona fide* purchasers of the suit property. Therefore, they are not necessary parties in the present proceedings.

7. Considering the submissions made by the learned counsel for the applicant, I am of the opinion that respondent Nos.9 and 10 are the subsequent purchasers of the suit property and therefore, they are necessary parties.

8. Hence, following order is passed:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) This Hon'ble Court be pleased to grant leave to implead the respondent Nos.9 and 10 as party respondent No.9 and 10 in the Writ Petition No.605 of 1999 being proper and necessary party.”

b. The applicant to carry out appropriate amendment within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

c. If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the Writ Petition, on Respondent Nos.9 and 10 within 12 weeks from today.

d. Civil application stands disposed off accordingly.

e. The learned counsel for respondent Nos.9 and 10 waive service in the Writ Petition.

JUDGE