

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2943 OF 2014
IN
FIRST APPEAL NO.391 OF 1991
WITH
CIVIL APPLICATION NO.2944 OF 2014
IN
FIRST APPEAL NO.391 OF 1991
WITH
CIVIL APPLICATION NO.2947 OF 2014
IN
FIRST APPEAL NO.391 OF 1991
WITH
CIVIL APPLICATION NO.1009 OF 2016
IN
FIRST APPEAL NO.391 OF 1991**

Smt. Shantabai Gopinath Thakur			
And Others	...		Applicants
Versus			
Mr. Pandurang Janardhan Mhatre			
And Others	...		Respondents

.....

Ms. Jahanara Sarkhot i/b Suvarna Joshi for the Applicants.
Mr. A.G. Revankar for Respondent Nos. 2 to 6.

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CORAM : S.C.GUPTE, J.

DATE : 18 APRIL 2017

P.C. :

. Civil Application Nos.2943 of 2014, 2944 of 2014 and 2947 of 2014, are for bringing on record legal heirs, respectively, of deceased Appellant No.2, Appellant No.4 and Respondent No.2. There is a delay in taking out

all three applications. The delays are, however, explained in the civil applications.

2 For the reasons stated in the civil applications, the delays are condoned and the civil applications are allowed in terms of prayer clauses-(b) and (c).

3 Civil Application No.1009 of 2016 is for impleading Respondent Nos.7 to 13, who are subsequent transferees from Respondent No.6, as parties to the First Appeal. It is an admitted position as between the Appellant and Respondent Nos.2 to 5, who are represented through Counsel before the Court, that these Respondents have already relinquished their rights in the suit property in favour of Respondent No.6, who in turn has proceeded to create third party interest in favour of Respondent Nos.7 to 13. In the premises, it is necessary to bring on record the subsequent transferees. Accordingly, Civil Application No.1009 of 2016 is allowed in terms of prayer clauses-(a), (b) and (c).

4 Learned Counsel for the Appellants/Applicants presses for relief in terms of prayer clause (d) as well. This prayer seeks an interim injunction against Respondent Nos.7 to 13, who are today ordered to be impleaded as party respondents, restraining them from creating rights in, or parting with possession of, the suit property. The Appellants/Applicants will have to file a separate civil application for seeking such relief against the newly added Respondents, pending the hearing and final disposal of the First Appeal, after serving them with the amended copies of the First Appeal. To enable the Appellants/Applicants to do that and in the meantime to protect the

property, there will be an order in terms of prayer clause (d) operating till 12 June 2017.

5 Learned Advocate appearing for Respondent No.6 seeks a discharge. He may obtain a suitable order in this behalf from the Registry.

(S.C. GUPTE, J.)