

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

WRIT PETITION NO.5278 OF 2009

Smt.Hirabai Yashwant Chougule & Ors. ... Petitioners

Vs.

Baburao Sakharam Chougule & Ors. ... Respondents

WITH
CAW/1593/2017
IN
WRIT PETITION NO.5278 OF 2009

1. Shri Jayrai Ramswami Naidu & Ors. ... Applicants

IN THE MATTER BETWEEN
Smt.Hirabai Yashwant Chougule & Ors. ... Petitioners

Vs.

Baburao Sakharam Chougule & Ors. ... Respondents

WITH
WRIT PETITION NO.1928 OF 2010
WITH
CAW/1601/2017
IN
WRIT PETITION NO.1928 OF 2010

WITH
WRIT PETITION NO.1936 OF 2010
WITH
CAW/1602 /2017
IN
WRIT PETITION NO.1936 OF 2009

WITH
WRIT PETITION NO.1940 OF 2010
WITH
CAW/1603/2017
IN
WRIT PETITION NO.1940 OF 2010

Mr.R.A. Thorat, Senior Advocate with Pandit Kasar and Rohit Mangsule for the Petitioner in all petitions

Mr.Manvendra Kane i/b W.S. Kane & Co. for Intervener/Applicant in all Civil Applications

Mr.O.P. Soni i/b M/s.O.P. Soni & Co. for Resp. Nos.2B and 2E all the petitions except WP/1940/2010 and for Resp. Nos.3 and 4 in WP/1940/2010

CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 13, 2017

P.C. :

1. The applicants, who are the third party purchasers of the suit lands, have preferred the four Civil applications in the respective writ petitions with a prayer that they be joined as party respondents in the respective Writ Petitions and they be allowed to contest the Writ Petitions.

2. The learned Counsel for the applicants/interveners submitted that all the interveners have appeared in Regular Darkhast No.333 of 1978 when the respective impugned orders were passed and

which are under challenge in all these four petitions. The learned Counsel further submitted that the interveners/applicants were heard by the learned Executing Court and their submissions are also recorded and so, they be allowed to be added in the array of the respondents in the petitions.

3. Learned Senior Counsel appearing for the petitioners, per contra, opposed the applications and submitted that the issue involved in these Writ Petitions is entirely different and is not connected with the applicants, who claim to be the purchasers of the land from the Judgment Debtors after the judgment and decree. The learned Senior Counsel submitted that the petitioners have asked for repartition, however, the said applications were rejected and that is the issue before the Court and thus, it is only between the Judgement Debtors and the Decreeholders and the applicants are not to be added.

4. Learned Counsel for the respondents/judgment debtors submitted that the respondents/Judgment Debtors support the applicants.

5. Perused the respective orders passed in the applications as follows:

Exhibit 211 in Darkhast No.333/1978 in WP/5278/2009

Exhibit 241 in Darkhast No.333/1978 in WP/1936/2010

Exhibit 236 in Darkhast No.333/1978 in WP/1928/2010

Exhibit 91 in Darkhast No.333/1978 in WP/1940/2010

6. It appears that the applicants were heard at the time of deciding these applications and they were parties before the Executing Court. In view of this, all the Civil Applications for intervention are allowed. The petitioners are directed to add the applicants/interveners as party respondents in the respective writ petitions. Amendments to be carried out within a week.

7. List the Writ Petitions on the next Thursday, the 20th July, 2017.

8. Civil applications are disposed of accordingly.

(MRIDULA BHATKAR, J.)