

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8515 OF 2013

Ramchandra Neminath Mohite and Ors. ...Petitioners
vs.
Satyabhama Dadaso Wagare and Ors. ...Respondents

Mr. Vijay Killedar, for the Petitioners
Mr. A.S. Kulkarni, for Respondent Nos. 1 to 3.

CORAM : M. S. SONAK, J.

DATE : MARCH 20, 2019

P.C.:

. Heard Mr. Killedar, learned counsel for the Petitioners
and Mr. Kulkarni, learned counsel for the Respondents.

2. The challenge in this Petition is to the order dated 25th
June, 2013 by which the Respondent No. 1 has been permitted as
Plaintiff No. 3 in the suit.

3. Mr. Killedar, learned counsel for the Petitioners submit
that Respondent No. 1 is a transferee *Pendente Lite*. Therefore,
relying upon ruling of the Hon'ble Supreme Court **Sanjay Verma
vs. Mannik Roy and Ors. (2006) 13 Supreme Court Cases 608**,
Mr. Killedar submits that Respondent No. 1 should not have been
permitted to be impleaded as party in the suit.

4. Mr. Kulkarni, learned counsel for Respondent No. 1

defends the impugned order on the basis of reasoning reflected therein.

5. In the present case, it is true that Respondent No. 1 is a transferee *Pendente Lite*. The Original Plaintiff No.1 have sold their 1/3 undivided share in the suit property in favour of Respondent No. 1. The Plaintiff who have applied for partition have no objection being impleaded as Plaintiff No. 3 along with themselves. The suit relates to partition. Therefore, it can not be said that the impugned order is in excess of jurisdiction, the facts situation in **Sanjay Verma** (supra) is not at all similar to the facts situation in the present case. Accordingly, based on **Sanjay Verma** (supra), there is no case made out to interfere with the impugned order.

6. Accordingly, this Petition is liable to be dismissed and is hereby dismissed.

7. There shall be no order as to costs.

8. The interim relief granted earlier is hereby vacated.

(M. S. SONAK, J.)