

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

**CIVIL APPLICATION NO.603 OF 2014
IN
FIRST APPEAL NO.1759 OF 2007**

Pravin S.Kul & Ors.	..	Applicants
<i>In the matter between</i>		
M/s.Patil and Sons & Ors.	..	Appellants
Vs.		
Bhagwantrao B. Patil (Bahirat) & Ors.	..	Respondents

Mr.Devendranath Joshi for the Applicant.
Ms.Raksha Thakkar i/by M/s.ALMT Legal for the Appellants.
Mr.Sandeep Pathak i/by Mr. Sugandh B.Deshmukh for the Respondent
Nos.1 to 5.
Mr.Vijay Killedar for the Respondent Nos.6A and 6B.
Mr. Suryajeet P. Chavan for Applicant in CAF/1093/2019 present.

**CORAM : R.D.DHANUKA, J.
DATE : 2nd December 2019**

P.C.:

. By this civil application, the applicants seek intervention in First Appeal No.1759 of 2007 and have prayed for vacating the stay granted by an order dated 18th December 2007 and for expeditious hearing of the first appeal.

2. Mr.Joshi, learned counsel for the applicants states that the applicants were not parties to the Special Civil Suit No.396 of 1996 filed by the original plaintiff before the learned Civil Judge, Senior Division, Pune and also before this Court in First Appeal No.1759 of

2007 and thus the interim orders passed by this Court in this First Appeal as well as the judgments and decrees passed by the Trial Court in the said Special Civil Suit No.396 of 1996 are not binding upon his clients.

3. It is not disputed by the appellants in First Appeal No.1759 of 2007 that the applicants in this civil application are not parties before the Trial Court in the said special civil suit and also was not impleaded as parties to the First Appeal No.1759 of 2007. In view of this factual position, it is clarified that neither judgment and decree passed by the Trial Court in the said special civil suit nor any interim orders passed by this Court in the First Appeal No.1759 of 2007 or in the civil applications filed in this first appeal would be binding on the applicants.

4. In view of this clarification, the prayers for intervention in First Appeal No.1759 of 2007, for vacating the stay granted by an order dated 18th December 2007 and for expeditious hearing of the first appeal do not survive. Civil Application is disposed of on aforesaid terms. No order as to costs.

R.D.DHANUKA, J.