

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

**CIVIL APPLICATION NO.341 OF 2019
IN
SECOND APPEAL NO.889 OF 2005
WITH
CIVIL APPLICATION NO.382 OF 2019
IN
SECOND APPEAL NO.1463 OF 2019**

Hari Tukaram Magdum ..Applicant

V/s.

Smt.Sonabai K. Magdum

W/o.Krishna Magdum ..Respondent

Mr.C.S. Hiranandani i/b Mr.G.S. Gavnekar for the Applicant.

Mr.M.J. Patil for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 11th MARCH 2020

P.C.

1. This is an application for impleadment of Mr.Ajay Ramchandra Mhetar who is a subsequent purchaser of the suit property from Sonabai Krishna Magdum who was the original plaintiff under sale deed dated 26th March 2018.

2. The learned counsel for the applicant (Appellant-original defendant) states that said sale deed was executed in breach of the order dated 15th December 2006 in Civil Application No.2084

of 2005 in Second Appeal No.1463 of 2005. On the contrary the learned counsel for the proposed respondent states that the proposed respondent was not aware of any such order and the property was purchased in *bona fide* belief that there were no proceedings pending in respect of the said property.

3. On hearing the learned counsel for the parties I find that the question whether the proposed respondent is a *bona fide* purchaser without notice of the order dated 15th December 2006 need not be gone. This aspect can be considered at the final hearing of the matter, at this stage. Admittedly the proposed respondent has purchased the property on 26th March 2018 from now deceased Sonabai Magdum. In that view of the matter the Civil Application is allowed in terms of prayer Clause 18(a). Necessary amendment to be carried out within two weeks from today.

C.V. BHADANG, J.