

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1988 OF 2020
IN
SECOND APPEAL NO.28 OF 2019

Pundlik Pandurang Biradar = APPLICANT
(Intervenor)

VERSUS

1. Vishwanath Sopan Pilgure
and Ors. = RESPONDENT/S

Mr.Gopal D.Kale, Advocate for Applicant;

Mr.AN Sabnis, Advocate for Resp.No.1;

Mr.VD Gunale, Advocate for Respondent No.2.

CORAM : SMT.VIBHA KANKANWADI, J.

DATE : 2nd December, 2021.

PER COURT :-

1. This Civil Application has been filed to get the applicant added as party respondent to the Second Appeal. The applicant submits that he has purchased Survey No.3/2, admeasuring 1 hectare and 7 Ares from original defendant No.1 by registered sale-deed on 24.6.2009 for consideration. He had seen the clear title of defendant No.1, who was declared owner and possessor of land Survey No. 3/2, admeasuring 2 acres and 27 gunthas by judgment and decree in RCS No.164/1998 by learned Civil Judge, Junior Division, Udgir on 20.11.2000. It is

(2)

said that the said judgment and decree has not been challenged till today. In RCS No.116/2008, original plaintiffs were not knowing that the applicant has purchased the land but since the date of the sale-deed, the applicant is in possession. Therefore, when his rights are to be affected, he is necessary party under Order I Rule 10 of CPC.

2. Taking into consideration the contents of the application, it can be considered that the application is not along with any document and it is simply an application supported by an affidavit. The applicant may be possessing his sale-deed as well as revenue record, if any. But, he has not taken care to produce the same and, therefore, that application cannot be considered and out rightly it deserves to be rejected. Accordingly, it is rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV