

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**918 CIVIL APPLICATION NO.7294 OF 2020
IN SA/358/2020 WITH CA/6119/2020 IN SA/358/2020**

SHIVAJI VITTHALRAO SOMWANSHI
VERSUS
SATISH KERUBA BANDGAR AND OTHERS

...
Advocate for Applicant : Mr. Khande Avinash A
Advocate for Respondent Nos.1 & 3 : Mr. Sachin Panale
Advocate for Respondent No.4 : Mr. Shrikant Kulkarni
...

**CORAM : SMT. VIBHA KANKANWADI, J.
DATED : 19th JANUARY, 2021**

PER COURT:-

1. Heard learned Advocate for the applicant, learned Advocate for respondent nos.1 and 3 and learned Advocate for respondent no.4. Learned Advocate for respondent no.2 is absent.

2. By this application, the applicant, who is original plaintiff intends to add respondent no.4 as party respondent to the second appeal. Respondent no.4 has purchased the suit land on 10.08.2020 from respondent no.3. The suit was for declaration and permanent injunction and it can be seen that the suit was partly decreed though the relief of declaration was rejected. The defendants were restrained but thereafter, when the decree was challenged before the First Appellate Court, the appeal came to be allowed and the decree passed by the learned Trial Judge has been set aside. The second appeal is pending for admission. Under such circumstance, when the

interest of respondent no.3 has been parted by him, definitely, respondent no.4 would be a necessary party. Under such circumstance, the application deserves to be allowed. Accordingly, present application for adding party is allowed in terms of prayer clause (B). Consequent amendment to be carried out immediately. Learned Advocate for respondent no.4 i.e. the added party waives notice of second appeal.

3. Place the matter for further consideration on 11.02.2021. Interim relief, if any granted earlier, to continue till the next date.

(SMT. VIBHA KANKANWADI, J.)

Mujaheed//