

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

**CIVIL APPLICATION NO. 7734 OF 2022
IN
SECOND APPEAL NO. 248 OF 2022**

Vishwanath Manikrao Kawade ... Applicant

Versus

Sandipan Vithoba Sul and another ... Respondents

....

Mr. S. S. Khoche, Advocate h/f Mr. N. S. Tekale, Advocate for applicant

Mr. K. R. Doke, Advocate for respondent Nos. 1 and 2

....

CORAM : R. G. AVACHAT, J.

DATED : 23rd SEPTEMBER, 2022

PER COURT :-

. Heard.

2. This application has been moved to bring on record the subsequent purchasers as party respondents to this Second Appeal. The application has been strongly objected by the learned Advocate for the respondents on the ground that similar application was moved before the first appellate Court. The first appellate Court rejected the said application with well reasoned order. The applicant/appellant did not challenge the said order.

3. Had the matter been rest at that, this Court would have been with the learned Advocate for the respondents. The fact is that, even thereafter, the concerned respondent has created third party interest i.e. transfer of the suit property in favour of respondent No.2. Although the respondent No.2 is bound by the decree that may be passed in the present Second Appeal, in view of the *lis pendens*, his presence before this Court appears to be necessary so as to avoid further complications that may arise in the execution proceedings, if any. In view of the same, the application is allowed in terms of prayer clause (B).

4. Once the concerned persons are made party respondent, issue them notice of this Second Appeal, returnable after four weeks.

[R. G. AVACHAT, J.]

SMS