

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

**CIVIL APPLICATION NO. 10156 OF 2022
IN SA/330/1997**

**SHARNAPPA MARLIKARJUNAPPA RAJURE, DIED, THROUGH LRS.
SHASHIKALABAI W/O SHARNAPPA RAJURE, DIED, LRS. AND ORS.**

VERSUS

MAHANANDA SUBHASH PATIL AND OTHERS

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Advocate for Applicants : Mr. Suraj V. Gundre

Advocate for Respondent Nos.1 and 2 : Mr. Gaurav L. Deshpande

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CORAM : BHARAT P. DESHPANDE, J.

DATED : 24th AUGUST 2022

PER COURT :

This is an application filed by the applicants who are the original respondents in second appeal praying directions to appellants to add proposed respondent nos.4 to 6 as party respondents to the present proceedings.

2. Heard Mr. Suraj Gundre, learned counsel for applicants and Mr. G. L. Deshpande, learned counsel for respondents.

3. Learned counsel for applicants submits that during pendency of second appeal, the appellants executed the sale deed with regard to some part of suit property in favour of proposed respondent nos.4 to 6. A copy of sale deed is placed on record from page no. 11 onwards. He then submitted that another sale deed was executed on 23.12.2019 and the third sale deed is executed on 19.12.1989.

4. Second appeal was admitted on 22.02.2006.
5. Considering the submissions of learned counsel for the parties, it is clear that transactions executed during the pendency of present proceeding are clearly protected under section 52 of the Transfer of Property Act, 1882 and therefore any decision passed in second appeal will not affect of the right of the parties to the present proceeding in receipt of transactions executed during pendency of present second appeal.
6. Considering the above aspect, no directions could be issued to the appellants to add proposed purchasers as parties to the present proceeding. The application therefore deserved to be rejected. Hence the order :-

ORDER

- (i) The civil application is rejected.
- (ii) The second appeal be placed for hearing as per its turn in the category of year 1997.
- (iii) Liberty is granted to the appellants to move for early hearing.

(BHARAT P. DESHPANDE, J.)