

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

923 WRIT PETITION NO.8525 OF 2014

AB. SHAHED AB. MAJID
VERSUS
MOHAMMAD ALIAS JAKEER ASIFODDIN INAMDAR AND OTHERS

...

Advocate for Petitioner: Mr. Nagarkar Kiran M.

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CORAM: S. V. GANGAPURWALA, J.

DATE: 13th JANUARY, 2022

PER COURT:

1. Though, Respondent No. 1 / Original Plaintiff is served, none appears for Respondent No. 1.

2. Respondent No. 1 has filed a Suit for Specific Performance of Contract against the Original Defendants bearing Regular Civil Suit No. 84 of 2012. During the pendency of the Suit, the Petitioner filed an application below Exhibit-26 for adding him as a party. The Plaintiff claimed to be the purchaser of the property under the registered Sale Deed dated 19.02.2013. The Petitioner is a purchaser *pendente lite*.

3. I have heard Mr. Nagarkar, learned Counsel for the Petitioner.

4. As the Petitioner is purchaser *pendente lite*, the decree that may be passed between the parties would be binding on the Petitioner.

5. If the Suit is compromised between the Plaintiff and the Original Defendants that would also be against the interest of the present Petitioner.

6. Though, the defence of the present Petitioner would be limited still, considering that during the pendency of the Suit, *prima facie*, the Original Defendants have divested their ownership in favour of the present Petitioner it would be appropriate to add the present Petitioner as a party.

7. In the light of above, the impugned order is quashed and set aside. Application Exhibit-26 filed in Regular Civil Suit No. 84 of 2012 before

the Court of Civil Judge Senior Division, Biloli
is allowed.

8. The Writ Petition is accordingly allowed.

9. The Writ Petition stands disposed of. No
costs.

[S. V. GANGAPURWALA, J.]

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