

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2307 OF 2017**

DADASO SOPAN MOHITE AND ORS.Petitioners
V/s
NAMDEV RAUJI MOHITE AND ORS.Respondents.

Mr. Satish S. Raut for the Petitioners.
Mr. Surel S. Shah a/w Mr. Rahul Kasbekar for Respondent No.10.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 24, 2022

P.C.:-

1] Petitioners are purchasers of the part of the suit property during pendency of suit being Regular Civil Suit No.354 of 1991. Suit came to be decreed on 02/09/2006 against which Civil Appeal No.43 of 2006 is pending in which prayer of the Petitioners/third party for impleadment so also of one of the parties to the suit for impleadment of third parties vide Exhibits 69 and 72 are rejected by the impugned order.

2] I have heard Mr. Raut, learned Counsel for the Petitioners at length.

3] Admittedly, part of the suit property is purchased by the Petitioners during pendency of the suit. As such, they are neither impleaded as party to the suit nor in appeal, as they have stepped into the shoes of the original Plaintiff.

4] Right, if any, to the Petitioners by virtue of their Sale Deed from original Plaintiff will be against Plaintiff to the suit. That being so, no case for interference is made out. The lower appellate court was justified in rejecting the prayer of the Petitioners for impleadment. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)