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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2756 OF 2016**

M/s. Devkanya Marketing Pvt. Ltd.Petitioner
V/s
Smt. Sushilaben Dnyanranjansingh Kakatwar
(Deceased) through LRs
1(1) Shri Yatindra Dnyanranjansingh
Katakwar and Ors.Respondents

**ALONGWITH
INTERIM APPLICATION NO.489 OF 2022
IN
WRIT PETITION NO.2756 OF 2016**

Hema Firoz Masani Applicant.

In the matter between

M/s Devkanya Marketing Pvt. Ltd. Petitioners
V/s
Smt. Sushilaben Dnyanranjansingh Katakwar
(Deceased) through LRs.
1(1) Shri Yatindra Dnyanranjansingh
Katakwar and Ors.Respondents

Mr. Pradeep J. Thorat for the Petitioner.
Mr. Abhishek Pungliya for Respondent No.3 in Writ Petition and for the Applicant in I.A.
Mr. Mustafa Kachwala a/w Ms. Roshni Sewlani i/b Kachwala Misar & Co. for Respondent no.13.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 04, 2022

P.C.:-

1] Petitioners/Plaintiffs sought impleadment of the purchasers, who alleged to have purchased part of the suit property during pendency of the suit, which prayer was rejected by the impugned order. As such, this Petition.

2] Petitioners have placed reliance on the judgments of the Apex Court in the matter of *Robin Ramjibhai Patel vs. Anandibai Rama alias Rajaram Pawar and Others* reported in **(2018) 15 SCC 614** and in *Gurmit Singh Bhatia vs. Kiran Kant Robinson and Others* reported in **(2020) 13 SCC 773** so also on the judgment in the matter of *Thomson Press (India) Limited vs. Nanak Builders and Investors Private Limited and Others* reported in **2013(5) SCC 397** (Supra) so as to substantiate their claim that purchasers of the part of the suit property are to be impleaded pursuant to the provisions of Order XXII Rule 10 of the Civil Procedure Code.

3] The claim is resisted by the Respondents/Defendants Sellers so also third party.

4] As a consequence, order impugned, thereby rejecting the prayer came to be passed. In view of law laid down by the Apex Court in the aforesaid judgments, it is the case of the Petitioners to grant such impleadment but for objection of the Respondents/purchasers and Defendants.

5] Since the subsequent purchasers and the Defendants are already noticed on the pendency of suit, they have exposed themselves to the consequences of decree, as both of them have resisted the plea of the Petitioners for their impleadment. In the wake of above, all Respondents to this Petition have detailed knowledge of pendency of the proceedings so also consequences of passing of decree against them, as opportunity to defend the suit claim in view of above is given up by them. As a sequel of above observation, Mr. Thorat, learned Counsel for the Petitioners, on instructions, made a prayer for withdrawal of the Petition.

6] Petition is disposed of as withdrawn.

(NITIN W. SAMBRE, J.)