

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION 316 OF 2022

Raju Yunus Chhagla

...Applicant

vs.

Mr.Vilas Raghunath Kand & Ors.

...Respondents

Mr.Surel S. Shah with Prashant Darandale for Applicant.

Mr.G.R. Agrawal for Respondents 1 and 2.

CORAM : ROHIT B. DEO, J.

DATED : 21 JULY 2022

P.C. :

1. The challenge is to the order dated 27.11.2019 whereby the learned District Judge-14, Pune allowed the application preferred by the non-applicants 1 and 2 for grant of leave to appeal.

2. It is common ground that the non-applicants 1 and 2 were not parties to the Civil Suit 2369/2012 and they preferred the appeal as third parties who are affected by the judgment of the learned trial Judge.

3. It is further not in dispute that the application seeking leave to appeal is decided without issuing notice to the plaintiffs in Regular Civil Suit 2639/2012. In this view of the matter, the order impugned is quashed.

4. Application (Exhibit 8) in the pending appeal is remitted to the learned Appellate Judge for passing fresh order on the application for leave to appeal, after hearing the plaintiffs and the defendants in Regular Civil Suit 2639/2012.

5. Needless to observe that application (Exhibit 8) seeking leave to appeal shall be considered on its own merit, and within the next sixty days.

6. The civil revision application is disposed of.

(ROHIT B. DEO, J.)