

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

**57 CIVIL APPLICATION NO.9652 OF 2022
IN SA/275/2008 WITH CA/1674/2018 IN SA/275/2008 WITH
CA/11202/2015 IN SA/275/2008 WITH SA/275/2008
VASUDEV HARI GAIKWAD AND ORS
VERSUS
RAGHUNATH UTTAM GAIKWAD**

Mr.M.M.Bhokarikar, Advocate for the applicants.

Mr.S.P. Shah h/f. Mr. P.S. Shendurnikar, Advocate for the respondent.

**CORAM : KISHORE C. SANT, J.
DATED : 03.10.2023**

PC :-

01. Heard. This application is for addition of parties to the Second Appeal pending before this Court. Applicant No.1 is original plaintiff, who has now sold property involved in the suit to applicant Nos.2,3 and 4. It is, therefore, submitted that they are necessary parties. The learned Advocate for the respondent vehemently opposes the application stating that applicant Nos. 2,3 and 4 are the subsequent purchaser and they are bound by outcome of the litigation. Their right is depending upon right of applicant No.1. They do not have any independent right to participate in the proceeding.

02. Considering the submissions, this Court finds that since now property is sold to applicant Nos.2,3 and 4 by respondent No.1, they would

also be interested in the lis and for that reason, the application needs to be allowed. The application is, therefore, allowed in terms of prayer clause (B) and disposed off accordingly.

03. The appellant to carry out necessary amendment forthwith. Since the parties are already represented by learned Advocate, no notice is required to the added respondents in the appeal.

[KISHORE C. SANT, J.]