

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

CIVIL APPLICATION NO. 11685 OF 2022
IN
SECOND APPEAL NO. 557 OF 2022

RAJU SHIVAJI RAUT
VERSUS
GAYABAI SHIVAJI RAUT AND OTHERS

...
Advocate for Appellant : Mr. V.S. Borkar
Advocate for Respondent Nos. 1 to 3 : Mr. H.V. Tungar

CORAM : R.M. JOSHI, J.
DATE : 12th April, 2023

PER COURT :

1. At the outset, learned counsel for the appellant states that present Civil Application is pressed only to the extent of impleadment of proposed respondent nos. 4 and 5. He seeks leave to prefer separate application seeking injunction of any order against the respondents.

2. Leave granted.

3. It is the contention of the appellant / applicant that RCS No. 61/2012, came to be filed against respondent nos.1 to 3 / defendant nos.1 to 3 with one of relief of perpetual injunction restraining them from causing any interference in Gut No. 87 and 89 situated at Danapur. The said suit was partly decreed and the defendants were restrained from alienating suit property. Learned First Appellate

Court, however, reversed the said decree. It is the contention that thereafter, respondent nos. 1 and 2 executed sale deed in respect of Gat No. 87 and 89 in favour of proposed respondent nos. 4 and 5.

4. Considering the nature of suit, the proposed respondents who are the subsequent purchasers of the suit land are required to be impleaded as a party for effective hearing of present Appeal. In the result, application is allowed to the extent of respondent nos. 4 and 5 be impleaded as proposed respondent nos. 4 and 5 in this appeal.

5. Amendment be carried out on or before next date.

6. On carrying out amendment, issue notice to these respondents, returnable on 21st June, 2023.

[R.M. JOSHI, J.]

SPChauhan