

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8459 OF 2018
IN SECOND APPEAL NO.398 OF 1991

Ahmednagar Taluka Sahkari Dudh Utpadak Sanstha
 Va Prakriya Sangh Maryadit, Sawedi Road, Ahmednagar,
 Taluka Nagar, District Ahmednagar .. Applicant

Versus

1. Narayan s/o. Vithaba Kotkar
- 1-A) Bhasaheb Narayan Kotkar
- 1-B) Pramila w/o. Shivling Gerange
- 1-C) Nirmala w/o. Dadasaheb Narwde
- 1-D) Yogita w/o. Balasaheb Kandekar
- 1-E) Sou. Andanabai w/o. Narayan Kotkar
2. Kalabai w/o. Namdeo Wadekar
3. Janabai w/o. Sitaram Karale
4. Champalal Tarachand Khabiya
 Died through his heirs
- 4-A) Ramesh Champalal Khabiya
- 4-Ai) Rahul Ramesh Khabiya
- 4-Aii) Rupali Ramsh Khabiya
- 4-Aiii) Rakhi Ramesh Khabiya
- 4-Aiv) Smt. Chanda Ramsh Khabiya
- 4-B) Urmilabai w/o. Chhaganlal Raka
- 4-Bi) Sau. Smita Nirmal Jain
- 4-Bii) Yogita Chhaganlal Raka
- 4-Biii) Chhaganlal Kishanlal Raka

Mr. V. R. Dhorde, Advocate for Appellants in Second Appeal
 Mr. G. K. Naik-Thigale, Advocate for Applicants;
 Mr. A. B. Gatne, Advocate for Respondents No.1/A-i to A-iii and 1-B(i) to (iii)

CORAM : S. G. MEHARE, J.

DATE : 26-09-2023

PER COURT:-

1. The present applicant/intervenor moved this application to allow him to intervene in the suit and appeal.

2. The learned counsel for the applicant would submit that while the suit was pending, the suit property was transferred by way of a sale deed to Ahmednagar Zilla Sahakari Dudh Vyavsayik Sangh Limited. However, Zilla Sahakari Dudh Vyavsayik Sangh Limited, Ahmednagar, was dissolved, and the suit property was transferred to the present applicant. Hence, the applicant has rights over the suit property.

3. The learned counsel for the respondent/original plaintiff would submit that this Court has already remitted the matter to hear the present appellant on cross objections and return the findings recorded thereon with consequential judgment and decree. In the fact situation, leave may be granted to the present applicant to move the application before the first Appellate Court.

4. In view of the above findings, the application stands disposed of.

5. The liberty is granted to the applicant to move a similar application before the first Appellate Court.

6. The first Appellate Court is directed to hear the respective parties by giving appropriate opportunity and decide the application considering legality, validity, propriety and correctness on merits, within three months from 10.10.2023.

**(S. G. MEHARE)
JUDGE**