

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17919 OF 2022

WITH

WRIT PETITION NO. 2105 OF 2021

Pandharinath Savlaram Mhatre

Applicant
.. (Intervenor)

IN THE MATTER BETWEEN

Ravindra Laxman Borole

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Abhijit B. Kadam i/by Ms. Sonali G. Sase for Petitioner
- Mr. Sameer Parkar i/by Mr. Aditya A. Thorat for Respondent Nos. 5 to 9
- Ms. Aparajita Mehta a/w Mr. Vaibhav Kadam for Applicant – Intervenor
- Ms. M.S. Bane, AGP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 18, 2023

P.C.:

1. Heard learned Advocates appearing for the respective parties.

2. On 16.01.2023, this Court passed the following order:-

“1. *Heard.*

2. *On 12.12.2022, this Court passed the following order:-*

‘1. *Heard learned Advocates for the respective parties.*

2. *The Intervenor has drawn my attention to paragraph no.11 of the Intervention Application, inter alia, stating that the Intervenor is the subsequent purchaser of an undivided share admeasuring 250 square meters out of the disputed land being Survey No.72/5/B/3 admeasuring 0-03-00 sq. mts (including Potkharaba land) from the legal heirs of late Sitaram Bhole by a registered sale deed registered with the Sub-Registrar of Assurances - 2, Kalyan - 4 on 23.08.2018 vide Serial No.8668/2018.*

3. *Let the reply be filed by the Respondents within a period of four weeks from today.*

4. *Stand over to 16th January, 2023.*

5. *In the meanwhile, ad-interim relief granted earlier, if any, shall continue.'*

3. *Today, Mr. Abhijit Kadam, appears for original Petitioner and submits that the copy of registered sale deed dated 23.08.2018 registered with the Sub-Registrar of Assurances - 2, Kalyan - 4 vide Serial No. 8668/2018 has not been submitted by the Intervenor and he does not have the benefit of the said document.*

4. *Let copy of the document be given to Mr. Abhijit Kadam by tomorrow. In that view of the matter, Mr. Kadam submits that he would like to examine the document and make submissions.*

5. *Stand over to 18th January, 2023. To be placed under the caption 'for Order'.*

3. Today, Mr. Abhijit Kadam, learned Advocate for Petitioner submitted that he has perused the copy of registered sale deed dated 23.08.2018. He submitted that it appears from the sale deed that the Applicant is the purchaser of the subject property. In that view of the matter, he submits to the order of the Court.

4. Mr. Vaibhav Kadam, learned Advocate for Applicant / Intervenor submitted that the proposed intervenor has purchased the suit property from some of the legal heirs of the original owner, subject to the outcome of the litigation.

5. Considering that the Applicant is the purchaser of the suit property and his substantive rights would be affected, the Intervention Application seeking intervention deserves to be allowed at this stage subject to hearing all parties in the Writ Petition when the Writ Petition is heard.

6. In view of the above, Interim Application is allowed and disposed of in terms of prayer clause (b). Petitioner to carry out amendment within a period of three weeks from today. Re-verification is dispensed with. Copy of the amended petition be served on the other side.

7. All contentions of parties are expressly kept open when the Petition shall be heard.

8. In the meanwhile, ad-interim relief, if any, shall continue till the next date.

9. Place the Writ Petition on board on **17th March, 2023**. Respondents are directed to file their affidavit-in-reply on or before 17.03.2023.

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2023.01.18
16:53:35
+0530