

VRJ

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

WRIT PETITION NO.2737 OF 2023

Sushila Shantaram Kakade & Ors.

... Petitioners

V/s.

Ramchandra Genu Mule & Ors.

... Respondents

Digitally
signed by
VAIBHAV
RAMESH
JADHAV
Date:
2023.10.25
18:53:18
+0530

Mr. Drupad S. Patil for the petitioners.

Mr. Vaibhav V. Ugle for the respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 25, 2023

P.C.:

1. The petitioners-original plaintiffs in a suit for partition and separate possession are challenging order passed by the Trial Court allowing application of subsequent purchasers to joint themselves as defendants in the suit.

2. It is not in dispute that the subsequent purchasers have purchased some of the suit properties during pendency of the suit. They, therefore, filed an application for impleading them as defendants in the suit.

3. In view of judgment of the Apex Court in the case of **Thomson Press (India) Ltd. vs. Nanak Builders & Investors (P) Ltd.** reported in (2013) 5 SCC 397 and **Khemchand Shankar Choudhary and Another vs. Vishnu Hari Patil and Others** reported

in 1983 (1) SCC 18, it is no longer res integra that the subsequent purchasers in a suit for partition stands in the shoes of transferees pendente lite. It is observed that there application needs to be considered as if they are legal heir or legatee during pendency of suit.

4. Hence, in my opinion, the impugned order does not suffer from any legal infirmity. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)