

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.7660/2019

Smt. Vimal and others V M/s Satnam Cooperative Housing Society Ltd and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Yash Maheshwari, Advocate for petitioners.

Mrs. M.D. Bhambhwani, Adv for resp. Nos.2 and 3.

CORAM : AVINASH G GHAROTE, J.

DATE : 10-04-2023

Heard Mr. Maheshwari, leaned Counsel for the petitioners and Mrs. Bhambhwani, learned Counsel for the respondent nos.2 and 3. None appears for respondent no.1 though served.

2. The petition challenges the order dated 15-10-2019 below Exhs- 279 and 287, whereby the respondent nos. 2 and 3 have been permitted to be added as defendants in the suit on account of transfer having been taken place in their favour by virtue of sale deed dated 27-12-12.

3. Learned Counsel for the petitioners assailing the impugned order, submits that since the respondent nos.2 and 3 are transferee *pendente lite* they are not proper parties, the impugned orders are liable to be quashed and set aside.

4. Mrs. Bhambawani, learned Counsel for

respondent nos.2 and 3, supports the impugned orders.

5. It is not in dispute that by the sale deed dated 27-12-2012, the respondent nos.2 and 3 have acquired a title in the suit property in view of which, the provision of Order 22 Rule 10 of the Civil Procedure Code, would step into picture, and since the respondent nos.2 and 3 who are the purchasers themselves have filed application impleading them as parties. it would be necessary to add them as parties in light what has been held in **Dhurandhar Prasad Singh vs Jai Prakash University and Ors (2001) 6 SCC 534.** In view of which, I do not see any reason to interfere in the impugned order.

6. Though the apprehension is expressed that the present respondent nos.2 and 3, would tend to enlarge the scope of defence, however, the same is unfounded for the reason that only those defences as are permissible to their vendors would be open to be taken by the present respondent nos.2 and 3.

7. The petition is therefore dismissed. No costs.

JUDGE