



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9205 OF 2023
IN SA/288/2017

Haribai Vishwanath Mundhe

...Applicant

VERSUS

Vishwanath Nivrutti Mundhe

....Respondent

....

Ms. P. P. Wangikar h/f Mr. R. V. Gore, Advocate for
Applicant

Mr. A. T. Ghate, Advocate for Respondent No. 1

WITH

SECOND APPEAL NO. 288 OF 2017

...

CORAM : R.M. JOSHI, J

DATE : JANUARY 29, 2024

PER COURT :

1. This application is filed under Order 1 Rule 10 of Code of Civil Procedure to add Bapurao as Respondent No. 8. It is the contention of Applicant that during the pendency of this second Appeal, Respondent No. 2 Dwarkabai has sold suit property to proposed Respondent No. 8. It is contended that this Court has passed ad-interim relief on 18.04.2017. It is her further contention that while passing of the said order the fact of the transfer of the suit property was

not within the knowledge of the Appellant and hence, Respondent No. 8 was not joined in the present Appeal earlier.

2. No reply is filed by the Respondents to the present Application. Appellant has placed on record copy of the sale deed dated 26.12.2016. Having regard to the fact that the suit property has been transferred by Respondent No. 2 to proposed Respondent No. 8 during the pendency of the Appeal and having regard to the fact that there was ad-interim relief passed on prayer clause 'B', application stands allowed in terms of prayer clause 'B'. Amendment to be carried out within two weeks.

3. On amendment, issue notice to Respondent No. 8, returnable on 26.02.2024. Ad-interim relief to continue till next date of hearing.

(R. M. JOSHI, J.)

Malani