



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO. 12925 OF 2023
IN SECOND APPEAL NO. 242 OF 2020

NAJMA BEGUM BHIKU PATEL
VERSUS
BHAGWAN SADASHIV TARE AND OTHERS

...
Mr. M.M. Joshi – Advocate for Applicant

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 3rd January, 2024

PER COURT :

1. Heard learned Counsel for applicant. Learned Counsel for respondent Nos.1 to 4 remained absent.
2. The record shows that, learned Counsel for respondent Nos.1 to 4 had assured to this Court for appearance of respondent Nos.5 and 6 but failed to file Vakalatnama on their behalf.
3. The present application is for seeking permission to amend the title clause of Second Appeal by adding the present respondent Nos. 5 and 6 as party – respondents. Since during

the pendency of the appeal they purchased the suit property despite there being an order of this Court dated 04.08.2020 prohibiting the alienation. This Court in another application has already restrained respondent Nos.5 and 6 from alienating the suit land to any other third party and the said order is continued till next date.

4. Learned Counsel for respondent Nos.1 to 4 despite an undertaking to appear on behalf of respondent Nos.5 and 6 failed to file Vakalatnama on their behalf. Therefore, the present respondent Nos.5 and 6 being a subsequent purchasers of the suit land during the pendency of appeal need to be added as party – respondent. As such, the application is allowed in terms of prayer clause ‘B’.

5. The applicant is directed to carry the amendment within stipulated period.

[SANDIPKUMAR C. MORE]
JUDGE