

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13699 OF 2018

Appasaheb Maruti Rupnar ... Petitioner

V/s.

Vitthal Alias Prakash Balvant
Suryawanshi, through Paternal
Aunt & Ors.

... Respondents

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WITH

WRIT PETITION NO.13871 OF 2018

Raghunath Vithoba Kolekar ... Petitioner

V/s.

Vitthal Alias Prakash Balvant
Suryawanshi, through Paternal
Aunt & Ors.

... Respondents

Mr. Umesh Mankapure for the petitioner in both the writ petitions.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 4, 2024

P.C.:

1. In both these writ petitions, challenge is to the order passed by the Executing Court rejecting petitioner's application to implead them as judgment debtors in the execution proceedings. According to the petitioners, they have purchased part of the suit property during the pendency of the suit. The petitioners need not be made party to the execution proceedings since rights of the purchasers

during pendency of the suit will be governed by the rights of the judgment debtor as per judgment in the case of **Silverline Forum Pvt. Ltd. v. Rajiv Trust & Anr.**, reported in 1998 (3) SCC 723 and **Brahmdeo Choudhary v. Rishikesh Prasad Jaiswal** reported in 1997 (3) SCC 694.

2. However, if the petitioner claims independent right in relation to the properties covered by the decree, remedy of the petitioner is somewhere else.

3. Both the writ petitions accordingly stand disposed of. No costs.

(AMIT BORKAR, J.)