

VRJ

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

WRIT PETITION NO.2566 OF 2019

Santosh Shankar Lad & Ors.

... Petitioners

V/s.

Prakash Hari Parkar & Ors.

... Respondents

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Ms. Preeti Walimbe i/by Mr. Bhushan Walimbe for the
petitioners.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 12, 2024

P.C.:

1. The Trial Court, by the impugned order, has allowed the plaintiffs' application to add defendant Nos.35 to 69 as defendants in the suit for partition. According to the petitioners, once they are deleted they could not be added thereafter. However, on perusal of the application, it appears that the averment in the application is that they are either subsequent purchasers or the persons having direct interest in the suit property. Hence, the Trial Court was within its rights to allow the application of the plaintiffs. However, it is made clear that mere pendency of the suit shall not affect the petitioners' right in absence of order of injunction passed by the Trial Court. With this clarification, the writ petition is disposed of.

2. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)