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

WRIT PETITION NO. 7468 OF 2024

Ashok Namdev Patil

.. Petitioner

Versus

Rajendra Anandrao Mane and Ors.

.. Respondents

-
- Mr. Kush M. Lahankar, Advocate for Petitioner.
-

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 12, 2024.

P.C.:

- 1.** Heard Mr. Lahankar, learned Advocate for the Petitioner.
- 2.** The present Writ Petition takes exception to the order dated 26.03.2024 passed in Application filed below Exhibit “41” in Regular Civil Suit (RCS) No.1 of 2024.
- 3.** Mr. Lahankar has drawn my attention to the impugned orders passed by the learned Trial Court in Application filed below Exhibit “41” which is at Exhibit “K” - page No.131 of the Writ Petition. He would submit that Writ Petitioner sought impleadment as a proper and necessary party in RCS No.1 of 2024. The premise and ground for seeking such an impleadment being a precursor Suit i.e. Regular Civil Suit No.788 of 2013 filed by the Writ Petitioner against the Defendants therein whose legal heirs have during the interregnum by violating an injunction order passed by the Civil Court, alienated and transferred

the property to Respondent Nos.1 and 3 in the present Writ Petition some time in the year 2018. The Plaintiff in the present Suit cannot have any cause of action against the Writ Petitioner. It is clearly seen that the Suit property in both the aforesaid Suits is identical.

4. Mr. Lahankar has also drawn my attention to the injunction order which is at Exhibit “D” - page No.70 of the Writ Petition which precluded the Defendants therein from dealing with the Suit property. This injunction order was passed on 04.01.2012, but according to Writ Petitioner has been flouted by transfer of the Suit property by a registered sale deed to the exclusion of the Writ Petitioner on 26.04.2018.

5. An arguable case has been made out by Mr. Lahankar for issuance of notice and immediate stay of the impugned order dated 26.03.2024. The order dated 26.03.2024 is stayed.

6. Hence, issue notice to the Respondents. Humdast permitted.

7. In addition to Court notice, Petitioner is permitted to serve a copy of the Writ Petition and this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

8. After receiving notice, Respondents are directed to file their Affidavit-in-Reply on or before the next date, if so desired.

9. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.

10. Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocate.

11. Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before the next date, if so desired.

12. In the meanwhile, the proceedings before the learned Trial Court shall stand stayed until the present Writ Petition is determined by this Court.

13. Stand over to 10th July, 2024.

[MILIND N. JADHAV, J.]

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Date: 2024.06.13
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