

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH
RAMCHANDRA
SANGAR

WRIT PETITION NO.14552 OF 2024

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SATISH RAMCHANDRA
SANGAR
Date: 2024.10.25
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Mangala Mahavir Devda and Ors.

...Petitioners

vs.

Santoshkumar Chindulal Lunawat and Ors.

...Respondents

Mr.Chetan S. Damre:-	Advocate for Petitioners.
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CORAM : S. M. MODAK, J.

DATE : 23rd OCTOBER 2024

P.C. :-

1. Heard learned Advocate for the Petitioners whose Application for intervention was rejected by the Appellate Court. The Suit for Specific Performance filed by the purchaser against 3 brothers of the Petitioner was decreed on 10th January 2017. Earlier, their mother was also Defendant No.4. Her name was deleted by way of purshis given by the purchaser in Suit No.49 of 2009 because she has expired on 3rd September 2013. (Page No.49). The contention is, the Plaintiff and the Defendants in that Suit deliberately have not brought on record the names of these Petitioners who are also the heirs of the deceased mother.

2. After the disposal of the Specific Performance Suit, the present Petitioners have filed a Suit for Partition bearing No.63 of 2018. (Page No.51). It is against the 3 brothers and the purchaser. On this background, the Petitioners have applied for impleadment in Appeal filed by the three brothers before the District Court. The learned District Judge as per the order 8th May 2024 (Page No.18) pleased to reject the Application for the reason, they can't be considered proper or necessary party. The question is, the Petitioners have limited role to play in the Appeal because they have not filed Written Statement and they have not given evidence. Even, in the Partition Suit, there are averments about the transaction between their brothers and the purchaser. The prayer is only for partition and no relief is sought so far as the transaction of purchase is concerned.

3. Learned Advocate request to keep this matter after Vacation.

4. In view of that, stand over to **13th November 2024**. To be listed **"First on Board"**.

[S. M. MODAK, J.]