

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11973 OF 2024
IN
APPEAL FROM ORDER NO. 159 OF 2021

Dhruva Bhaguji Kanpile	...Applicant
In the matter between:	
Subhash Kisan Naikwadi	...Appellant
<i>Versus</i>	
Damodar D. Naikwadi (Dead) Through LRS A. D. Naikwadi (Dead) T. S. Naikwadi (Dead) Laxmibai Shivaji Naikwadi Ors.	...Respondents

Mr. Sachin Punde, for Appellant.
Mr. Namitkumar S. Pansare i/b. Mr. Drupad S. Patil, for Applicant/
Intervenor in IA.

CORAM : M.M. SATHAYE, J.

DATE : 9th DECEMBER, 2024

P.C. :

1. Heard learned counsel for the Intervenor and learned counsel for the Appellant in Appeal from Order.
2. At the outset, learned counsel Mr. Punde appearing for the Appellant in Appeal from Order submits that he is opposing the Intervention application. It is pointed out by the learned counsel for the Intervenor that apparently paragraph 5 of the impugned Order dated 03.03.2020 itself, refers to name of the Applicant/Intervenor as third person who had filed certain documents. Therefore, his

presence is necessary in the present appeal from Order.

3. Learned counsel for the Intervenor submits that because of the pendency of the present proceedings (Appeal from Order) arising out of original Regular Civil Suit No. 114 of 1982 filed by the Appellant - Mr. Subhash Kisan Naikwadi, the subsequent suit bearing Regular Civil Suit No. 52 of 1983 filed by the Appellant, in which the Intervenor is party Defendant No.9, is not proceeded with.

4. It is undisputed, that there is no interim relief of any nature granted by this Court, which stays the proceedings of Regular Civil Suit No. 52 of 1983.

5. In that view of the matter, it is clarified that pendency of this Appeal from Order as well as Intervention application, will not detain the Trial Court from proceeding with hearing Regular Suit No. 52 of 1983.

6. The Appeal from Order will be heard after completion of service, alongwith the Intervention Application.

(M.M. SATHAYE, J.)