



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

78 CIVIL APPLICATION NO. 7277 OF 2025
IN SECOND APPEAL NO. 604 OF 2007

WITH
CIVIL APPLICATION NO. 4199 OF 2013 IN SA/604/2007
WITH
CIVIL APPLICATION NO. 5492 OF 2009 IN SA/12/2008
WITH
CIVIL APPLICATION NO. 8578 OF 2009 IN SA/604/2007
WITH
CIVIL APPLICATION NO. 7278 OF 2025 IN SA/12/2008
WITH
CIVIL APPLICATION NO. 18105 OF 2010 IN SA/604/2007

OCTAGON FOODS PRIVATE LIMITED THROUGH ITS DIRECTOR
KISHOR SHIVRAJ VARMA

VERSUS

ANJALI ALIAS MANGAL VITTHAL ALIAS SHASHIKANT BHUJANG
AND OTHERS

...

Mr. Sushant V. Dixit – Advocate for Applicant

Mr. S.P. Urgunde – Advocate for Respondent No.1 in S.A.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 28.07.2025

PER COURT :

1. Heard both sides.
2. Both the parties are unanimous that the present Second appeal No.604 of 2007 and Second Appeal No.12 of 2008 can be disposed off due to supervening events. Both the Second Appeals are

emanating from R.C.S. No. 78 of 1996. The lower Appellate Court partly allowed Regular Civil Appeal No. 118 of 2005, giving rise to distinct Second Appeals.

3. These Appeals were directed to be heard together by order dated 23.11.2007. Those were admitted on substantial questions of law vide order dated 04.08.2008. The appeals are already clubbed together and circulated because of the supervening events.

4. Civil Application Nos.7277 and 7278 of 2025 are filed by applicant – Octagon Foods Private Limited for impleading it as party appellant in both the appeals because the subject matter has been purchased by it. Regular Civil Suit No. 104 of 2013 filed by Anjali @ Mangal w/o. Vitthal @ Shashikant Bhujang was for selfsame subject matter. Part of the subject matter was alienated by Vimalbai vide sale-deed dated 22.10.2010 to Akash Jadhav. Mr. Akash Jadhav alienated the same interest on 02.03.2020 to that applicant – Octagon Foods Private Limited. Simultaneously, Anjali @ Mangal Bhujang alienated her interest on 02.03.2020 to the present applicant - Octagon Foods Private Limited. The terms of settlement were presented before the Trial Court in that suit. Vide order dated 11.04.2022 the suit was permitted to be withdrawn.

5. By way of present applications, the subsequent events have been brought on record. I have considered the sale-deeds, the orders passed by the Trial Court in R.C.S. No. 104 of 2013 and the judgments of the Second Appeals. It is evident that interest of the rival parties have been purchased by applicant – Octagon Foods Private Limited by registered sale-deeds and that was part of settlement before a competent Civil Court. In that view of the matter nothing remains to be adjudicated.

6. For the reasons stated above, I find that Civil Application Nos.7277 and 7278 of 2025 deserves to be allowed. Both the applications are allowed in terms of prayer clause 'A'.

7. Parties shall carry out the necessary amendment in both the appeal memos.

[SHAILESH P. BRAHME]
JUDGE

Pooja Kale