



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 SECOND APPEAL NO. 536 OF 2016

SHRI GURUMUKHDAS MEHRUNMAL JAGWANI THROUGH MANAGER SHRI
HARISH
VERSUS
RAJKUMAR PANJUMAL WALECHA

...

Mr. S. R. Sapkal, Advocate for Appellant
Mr. G. V. Wani, Advocate for Respondent

WITH
CIVIL APPLICATION NO. 8123 OF 2018
IN SA/536/2016

SANJIV KHEMJIBHAI PATEL AND OTHERS
VERSUS
RAJKUMAR PANJUMAL WALECHA

WITH
CIVIL APPLICATION NO. 10914 OF 2016
IN SA/536/2016

SHRI GURUMUKHDAS MEHRUNMAL JAGWANI THROUGH MANAGER SHRI
HARISH
VERSUS
RAJKUMAR PANJUMAL WALECHA

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 18.11.2025

PER COURT :-

. Present Civil Application No.8123 of 2018 is filed, as appellant who is original plaintiff has assigned his interest to the applicants vide sale deed dated 30.03.2017. Applicants are claiming substitution for the appellant in view of the supervening events.

2. Mr. G. V. Wani, learned Advocate for the respondent opposes the application namely on the ground that the suit was filed for injunction

simpliciter, which is relief in personam and the cause of action cannot be said to be carried forward for the subsequent purchaser.

3. It reveals from the pleadings of appellant-plaintiff that the cause of action is the encroachment made by the respondent or apprehension of encroachment on the plots which are in possession of the plaintiff. It cannot be said that the cause of action is purely personal in nature. The nature of cause of action can be dealt with during the course of hearing. Applicants have acquired an interest of the original plaintiff. Their anxiety is genuine that they should not suffer due to inaction on the part of the appellant-plaintiff in the second appeal.

4. For the reasons stated above, I am of the considered view that the applicants are entitled to be added as appellant nos.2 to 5 instead of prayer for substitution.

5. Civil Application is disposed of with a leave to substitute the applicants as appellant nos.2 to 5. Appellants shall prosecute the Second Appeal only and shall be precluded from claiming for remand.

6. The objection of the respondent regarding locus of the applicants is kept open.

7. List this matter for urgent admission on 11.12.2025.

(SHAILESH P. BRAHME, J.)