



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CIVIL APPLICATION NO. 9687 OF 2025

IN SA/353/2009

GOPALKRUSHNA DUDHA UTPADAK SAHAKARI SO AMALNER AND ROS
VERSUS
VIJAYABAI HIMMATRAO SHAHANE AND OTHERS

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Advocate for Applicant : Mr. Bhokarikar Madhav M.

Advocate for Respondents : Mr. S.P. Shah

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CORAM : SHAILESH P. BRAHME, J.

DATE : 15.09.2025

PER COURT :

It reveals from record that respondent no. 1 has created third party interest vide sale-deed dated 14.03.2024 in favour of respondent no. 3 and 4 of this application. Due to principles of *lis pendens* as such right created would be subject to final outcome of the second appeal. However, to avoid further complication, they are necessary parties.

2. Second Appeal is admitted and pending for hearing, in which respondent no. 1 is appellant/original plaintiff. The subject matter was purchased by her exclusively vide sale-deed dated 13.06.1974. The role of respondent no. 2 her brother Ashok Gulabrao Vinchurkar (Sonar) is not clear and cannot be said to be necessary party at this juncture.

3. Civil Application is allowed permitting the applicant to implead the purchasers i.e. respondent nos. 3 and 4 to the second appeal.

4. The parties shall not create any third party interest.

(SHAILESH P. BRAHME, J.)

mkd/-