



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 4099 OF 2025
IN
CIVIL APPLICATION NO. 1742 OF 2024
IN
SECOND APPEAL NO. 548 OF 1989**

Dhondiappa Kisanappa Namde
and another .. Applicants

Versus

Mohiuddin Hussiuddin
Since deceased through L.Rs.
Bilaquiesbegum and others .. Respondents

Shri Shrikishan S. Shinde, Advocate for the Applicants.
Mrs. A. N. Ansari, Advocate for the Respondent Nos. 1 to 7
Shri V. S. Solshe, Advocate for the Respondent Nos. 8 and 9.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH JUNE, 2025.**

FINAL ORDER :

. Applicants who are subsequent purchasers are praying their impleadment in the proceedings. It is contended that they purchased part of the subject matter from the deceased respondent No. 1 and apprehension is expressed by the learned counsel that if heirs of the respondent No. 1 loses interest in the litigation, then great prejudice would be caused to them. They are necessary parties.

2. Application is opposed by Mrs. Ansari. It is submitted that

in view of principle of lis-pendency U/Sec. 53-A of the Transfer of Property Act, it would not be necessary to entertain application.

3. Having considered rival submissions of the parties, I am of the considered view that in order to avoid the complications in the matter it would be desivable to add the applicants in the array of parties. The civil application is allowed in terms of prayer clause 'B'.

4. The parties would be at liberty to implead the applicants as party in the Civil Application No. 1742 of 2024. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25