

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.16825 OF 2024**

1. Shri. Sohansingh Javansingh Chouhan
Age: 70, Occ: Business,
R/o- 27, Shaniwar Peth, Madhavnagar,
Tal: Miraj, Dist: Sangli
2. Shri. Shreyas Tejpal Shah
Age: 36, Occ: Business,
R/o- 12903, Sneh, Chandani Chowk,
Tal: Miraj, Dist: Sangli
3. Shri. Anant Bhaskar Salunkhe
Age: 33, Occ: Business,
R/o- Dnyanganga, Old SBI Colony,
Abhaynagar, Sangli,
Petitioner No. 1 to 3 through Power
Of Attorney Holder;
Shri. Mukesh Mahadev Vaze
Age: 50, Occ: Business,
R/o- Sai Pushpa Apartment,
First Floor, Vakhar Bhagab
Rockel Line, Miraj, Sangli ..Petitioners

Versus

1. Shri. Shamrao Pandurang Waghmode
Age: 46 years, Occ: Business,
2. Sou. Shalan Prakash Mokashi
Age: Adult, Occ: Household.,
Respondent No.1 and 2
R/o- Uttar Shivajinagar, Dandekar Plot,
Tal: Miraj, Dist: Sangli
3. Shri. Dhananjay Vishnu Jadhav
Age: 46, Occ: Business
R/o- Lakshminagar, Plot No. 08,
Sangli, Tal: Miraj, Dist: Sangli
4. Shri. Ravindra Bapu Patil
Age: Adult, Occ: Business
R/o- Sangliwadi, Tal: Miraj,
Dist: Sangli
5. Smt. Bebitai Rajaram Kadam
Age: Adult, Occ: Household.,

6. Shri. Nandkumar Rajaram Kadam
Age: 50, Occ: Business,
7. Shri. Satish Rajaram Kadam,
Age: Adult, Occ: Business,
Respondents No. 5 to 7 R/o-
R/o- Uttar Shivajinagar, Dandekar Plot,
Tal: Miraj, Dist: Sangli
8. Sou. Surekha Tanaji Ghare
Age: Adult, Occ: Household,
Through Tanaji Tukaram Ghare
R/o- Varche Galli, Near Bhilwadi,
Naka, Tasgaon, Tal: Tasgaon,
Dist: Sangli ..Respondents

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Mr. Kuldeep U. Nikam, Advocate for Petitioners.

Mr. J. P. Kharge a/w Mr. Satish B. Mali, Advocate for Respondents.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 15th DECEMBER, 2025.

FINAL ORDER:-

1. The petitioners/original plaintiffs impugn order dated 31.07.2024 passed by Civil Judge Senior Division, Sangli, below Exhibit-60 in Regular Civil Suit No.165/2021, whereby application filed by plaintiffs seeking impleadment of Mr. Mukesh Mahadev Vaze/purchaser of suit property as party.

2. The plaintiffs instituted Regular Civil Suit No.165/2021 seeking decree of perpetual injunction against defendants/respondents. Pertinently, suit has been instituted through their Power of Attorney holder namely Mukesh Mahadev Vaze. Later on, they sold suit property to Mukesh Mahadev Vaze, by executing registered sale deed dated 01.05.2023. Eventually, he acquired title over suit property. In

this background, plaintiffs filed application below Exhibit-60 seeking impleadment of purchaser as plaintiff no.4.

3. The said application was opposed by respondents/defendant nos.5 to 8 on the ground that as on date of filing of suit, proposed plaintiff had no title in suit property. He had no cause of action as against defendants. Therefore, his impleadment in suit cannot be permitted. They would submit that looking to date of cause of action, even it is assumed that proposed plaintiff had interest in suit property, suit would be barred by limitation.

4. The Trial Court after considering submissions advanced and contentions of parties, rejected application holding that proposed plaintiff is neither necessary nor proper party.

5. Undisputedly, proposed plaintiff purchased suit property under registered sale deed. As on date of institution of suit, he had registered agreement to sale of suit property. He was proposed purchaser as per registered agreement to sale 03.11.2020. The suit was instituted by proposed plaintiff in capacity of Power of Attorney Holder of plaintiff nos.1 to 3 and now he has acquired absolute title in pursuance to sale deed dated 01.05.2023. Needless to state here that, after execution of sale deed, plaintiff is only interested person to prosecute suit. It is true that, suit has been filed on the basis of cause of action that arose prior to acquisition of title of suit property by proposed plaintiff. However,

fact remains that now he has acquired title in property and entitled to participate in proceeding. His presence would be necessary to enable Court to effectively and completely adjudicate upon and settle all questions involved in suit. In absence of proposed plaintiff, suit would fail.

6. It is true that, proposed plaintiff can institute independent suit based on fresh cause of action. However, when he step into shoes of original plaintiffs and represents interest of plaintiffs, there is no reason as to why he should not be permitted to be impleaded. Further by impleadment of proposed plaintiffs, multiplicity of litigation can be avoided. This Court has considered similar issue in case of *Yogesh s/o Balaji Misar Vs. Keshav Vistari Sontakke and others*¹.

7. In that view of matter, order impugned cannot be countenanced. Hence, Writ Petition stands allowed in terms of prayer Clause (a).

(S. G. CHAPALGAONKAR)
JUDGE