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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 8690 OF 2025
IN
FIRST APPEAL NO. 178 OF 1994**

Harishchandra Sitaram Chavan (deceased)
through LRs 1A. Siddharth H. Chavan & Ors. ... Applicants

IN THE MATTER BETWEEN

Jankibai Sitaram Chavan (deceased)
Through Lrs. & Ors.Appellants

Versus

The Municipal Corporation of Gr. Bombay & Ors. ... Respondents

Mr. Shailendra Kanetkar. Advocate a/w. Mr. Shivraj Patne, Advocate
i/b. Mr. Mahesh V. Rawool for the Applicants.

Mr. Darius Khambatta, Senior Advocate a/w. Mr. Karl Tamboly, Mr.
Rashida F. Savliwala and Ms. Megha Sanghavi i/b. Dhruve Liladhar &
Co. for the proposed Respondent No. 3.

Mr. Pradeep M. Patil, Advocate i/b. Ms. Komal Punjabi for the
Respondent No.1-BMC.

CORAM : M.M. SATHAYE, J.

DATE : 22nd JULY, 2025

P.C. :

1. Heard learned counsel for the Applicants and learned counsel
for the proposed Respondent No.3.

2. By this application, the Applicants are seeking to add a third
party as Respondent in the Appeal, on the ground that proposed
Respondent No.3 has purchased the suit property from original
Defendant No.3 under conveyance dated 06.07.2004. Learned
counsel for the Applicants relying upon order 22 Rule 10 of Civil

Procedure Code, 1908 contended that Respondent No.3 now a necessary party as assignee of the subject matter property.

3. Learned Senior Counsel appearing for the proposed Respondent submits that this application is ex-facie belated one, however, subject to keeping all the rights and contentions of the proposed Respondent on merits of the injunction/stay application as well as first appeal, the proposed Respondent can be added as party Respondent.

4. There is no dispute about the proposed Respondent having purchased the suit property under the registered conveyance. In that view of the matter, only on the ground that the suit property is presently owned and possessed by proposed Respondent, the application is allowed and the proposed Respondent is permitted to be brought on record as Respondent No.3 in appeal and pending interim application.

5. It is clarified that contentions of Respondent No.3 on merits of the pending interim application (IA/8692/2025) and the appeal (including contention that the action is belated and that Respondent No.3 is a bona-fide purchaser without notice) are kept open.

(M.M. SATHAYE, J.)