

VRJ

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

**INTERIM APPLICATION NO.1241 OF 2025
IN
SECOND APPEAL NO.497 OF 2023**

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Surekha Hanmant Pawar	... Applicant
V/s.	
Bजारंग भाऊ पावार & Ors.	... Respondents

Mr. Shivaji S. Bankar for the applicant.

Mr. Prashant Jadhav for respondent No.3.

Ms. Divya A. Pawar-Patil with Trupti T. Padekar for
respondent No.4.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : JANUARY 16, 2026

P.C.:

1. The applicant–original plaintiff has filed the present application to implead Sonam Trishul Chavan and Prabhakar Sanjay Patil as proposed respondent Nos.4 and 5 as party respondents in the Second Appeal, since they have purchased the suit properties. The applicant–original plaintiff had filed a suit for specific performance against the defendants. The suit was dismissed. The plaintiff thereafter preferred an appeal against the said judgment, which was also dismissed. Subsequently, the Second Appeal was filed.

2. The suit property was purchased by proposed respondent

No.4 on 22nd May 2023. The suit and the appeal filed by the plaintiff were dismissed, and there was no stay or any other order in favour of the plaintiff. The property was, therefore, purchased after the period for filing an appeal had expired. According to proposed respondent No.4, the limitation for filing the appeal was 11th May 2023, as the appeal was dismissed on 20th February 2023. The Second Appeal was filed on 14th July 2023, which was beyond the period of limitation. The property was purchased on 22nd May 2023. The present application has been filed by the appellant in the year 2025.

3. Learned counsel appearing for proposed respondent No.4 has submitted that the applicant has slept over his right to implead respondent No.4 as a party. There is no stay or any other order in favour of the appellant. Respondent No.4 purchased the property after the period for filing the appeal had expired. The plaintiff has alternate remedies if she got any relief in second appeal. Respondent No.4 was not a party before the Trial Court or the Appellate Court. Therefore, she is not a necessary party, and there is no need to implead her. She, therefore, prays for rejection of the application.

4. I have heard learned advocates appearing for respective parties.

5. After considering the dates and the judgments passed by the courts below, which are concurrent and against the applicant-plaintiff, it is evident that the suit property was purchased after the appellate period had expired. Therefore, the purchase did not

occur during the pendency of litigation. In view of same, the addition of proposed respondent No.4 is not necessary.

6. The interim application stands rejected and disposed of as against respondent No.4.

7. Learned counsel for proposed respondent No.4 seeks permission to correct the year in the reply filed in the interim application.

8. Permission, as prayed for, is granted.

9. Necessary amendment to be carried out within a period of one week from today.

(MRS. VRUSHALI V. JOSHI, J.)