

ORDER BELOW EXH.19

01. The appellant has filed this application seeking permission to join purchaser as the respondent and amend the appeal memo accordingly.

02. It is contended by the appellant that during the pendency of the appeal, respondent Nos. 1 and 2 sold the suit land i.e. Gat No. 201 to Smt. Manju Mahendra Agrawal by executing registered sale deed on 06/09/2015. The said sale deed is not legally executed and not binding on the appellant. Therefore, it is necessary to join the purchaser as the respondent and to amend the appeal memo to bring on record the subsequent act.

03. The respondent filed say at Exh. 22 and opposed the application. It is contended that the appellant was the formal party in the suit and he is not having any right to file the appeal. Therefore, the appellant is not having any right to amend the appeal memo.

04. Perused the material on record. It is to be noted that the execution of sale deed by the respondents Nos. 1 and 2 in favour of Smt. Manju Mahendra Agrawal in respect of the suit land i.e. Gat No. 201 on 06/09/2015 is not disputed by the respondent. Thus, the said sale deed is executed by the respondents during pendency of the appeal. The purchaser steps in the shoes of the respondents and he is bound by the

decree. However, to offer an opportunity to contest the appeal and safeguard the interest, it is desirable to join the purchaser as the respondent. Hence, I pass following order-

ORDER

1. The application at Exh.19 is allowed.
2. The appellant is permitted to join purchaser Smt. Manju Mahendra Agrawal as respondent No. 4 by mentioning her particulars given in the application.
3. Further the appellant is permitted to amend the appeal memo by inserting para 6A in the appeal memo as per the application.
4. The amendment be carried out on or before next date.
5. No order as to costs.

Alibag,
Date :-07/08/2023.

(N.K. Maner)
District Judge-3,
Raigad-Alibag.