

CNR No.MHSO010026922020Regular Civil Appeal No. 80/2020Shri. Shivaji Sopan PatilVsShri. Nagnath Ramdas Bongane and Ors.

**IN THE COURT OF ADHOC DISTRICT JUDGE-3 AND ADDITIONAL
SESSION JUDGE, SOLAPUR AT SOLAPUR.**

(Presided over by S. D. Gawade)

(J. O. Code No. MH00473)

Order below application Exh.20.

1. By the present application, the appellant seeks permission to implead Shri Vitthalrao Tammannarao Javalkar and Smt. Shradha Vitthal Javalkar as respondent Nos. 5 and 6 under Order XXII Rule 10 of the Code of Civil Procedure, 1908. The application is supported by an affidavit (Exh.21) of the appellee.
2. It is the contention of the appellant that the present appeal arises out of the judgment and decree passed in R.C.S. No. 520 of 2013. During the pendency of the appeal, respondent No. 3 transferred the suit property bearing Gat No. 121/B, admeasuring 2 Hectares 01 Are, in favour of Smt. Mangal Chanbasappa Dhumal. Thereafter, the appellant filed an application under Order XXII Rule 10 of the Code seeking to implead the said purchaser. It is further contended that during the pendency of the said application, the proposed respondent, namely Smt. Mangal Chanbasappa Dhumal, further transferred the suit property jointly in favour of Shri Vitthalrao Tammannarao Javalkar and Smt. Shradha Vitthal Javalkar. Therefore, according to the appellant, the subsequent transferees have acquired an interest in the subject matter of the appeal and are necessary

parties for effective adjudication.

3. Though the respondents were granted sufficient opportunity, they have neither filed their say nor controverted the averments made in the application. Hence, the application has proceeded without their say. Learned counsel for the parties have been heard.

4. The record shows that the appellant alleges successive transfers of the suit property during the pendency of the appeal. The application is founded upon Order XXII Rule 10 of the Code of Civil Procedure, which enables the Court to grant leave to continue the proceedings by or against a person upon whom an interest in the subject matter of the litigation has devolved during the pendency of the proceedings. Such a provision is intended to facilitate complete and effective adjudication of the dispute and to ensure that any decree ultimately passed binds the persons upon whom the interest has devolved.

5. At this stage, the Court is not required to adjudicate upon the validity or legality of the transfers alleged by the appellant. Whether the transfers are hit by the doctrine of *lis pendens* under Section 52 of the Transfer of Property Act, 1882, or otherwise, are matters to be considered at the time of final hearing, if necessary. For the purpose of the present application, it is sufficient that the alleged transferees claim interest in the suit property during the pendency of the appeal. Their presence is necessary to avoid multiplicity of proceedings and to enable the Court to effectively adjudicate upon the controversy.

In the absence of any rebuttal by the respondents and considering the nature of the relief sought, this Court finds that the application deserves to be allowed. Hence, I pass following order:

ORDER

- 1) The application is hereby allowed.
- 2) The appellant is permitted to implead Shri Vitthalrao Tammannarao Javalkar and Smt. Shradha Vitthal Javalkar both R/o. 20, Flat No.003, Triney Enclave, Hulimau, Bengaluru - 560076, as respondent Nos. 5 and 6 in the present Regular Civil Appeal.
- 3) The cause title of the appeal shall be amended accordingly as prayed within seven days from the date of this order.
- 4) Since the original suit proceedings are in Marathi, the appellant shall also carry out the consequential amendment, if required, in the Marathi cause title of the original suit records wherever necessary.
- 5) Issue notice to the newly added respondent Nos. 5 and 6 after filing of amended memo and plaint.
- 6) The application stands disposed of accordingly.

Pronounced in open Court.

Date: 10/07/2026

(Sunil D. Gawade)
Ad-hoc District Judge-3 and
Addl. Sessions Judge,
Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment is same word to word as per the original Judgment.

- (a) Name of the Stenographer : Narayankar P. S.
Stenographer (Grade-I),
Solapur.
- (b) Court : District Judge – 3 &
Addl. Sessions Judge,
Solapur.
- (c) Date of Order : 10.07.2026
- (d) Order signed by P.O. on : 10.07.2026
- (e) Order uploaded on : 10.07.2026