

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.20686 OF 2025

Krishna Shankar Bhagat

.. Appellant

Versus

Maria Felicia Sequeira and Ors.

.. Respondents

-
- Ms. Sirat N. Khan, Advocate i/by Mr. Kamlesh Tiwari for Appellant.
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 11, 2025

P.C.:

1. Heard Ms. Khan, learned Advocate for Appellant who is intervenor in the Suit proceedings before the Trial Court.

2. Ms. Khan would submit that the Intervention Application filed below Exhibit-377 by Appellant has been rejected. The Special Civil Suit is filed in the year 2012 by private Respondent in respect of the subject land bearing Survey No.117, Gat No.65 situated at Village – Khari, Taluka and District – Thane. It is the case of Appellant that title of Appellant has been perfected by virtue of proceedings under Section 70(b) of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short ‘**the said Act**’) and statutory order dated 26.09.1986 passed by the Competent Authority namely the Tahsildar and ALT in Tenancy proceedings.

3. Ms. Khan would submit that the necessary mutation has also been effected thereafter on 23.06.1987 in the revenue record by virtue

of Mutation Entry No.353 and pursuant to the demise of the original tenant, the name of Appellant being successor-in-title has also been recorded in the revenue record by virtue of further Mutation Entry No.1151 dated 29.01.2012.

4. She would submit that when the Appellant realised about the filing of the second Suit, they immediately rushed to the Court by filing the Intervention Application below Exhibit-377. She would submit that Suit is filed in the year 2012 for seeking a declaration in respect of Conveyance Deed dated 27.07.1949 by the Plaintiffs and Plaintiffs have thereafter further referred to and relied upon a further indenture Deed dated 05.10.1965 and Cancellation Deed dated 28.06.1967 in support of their declaratory reliefs.

5. She would submit that on the face of record, the Suit is hit by delay and latches. Be that as it may, she would submit that in so far as Appellant is concerned, substantive statutory orders of the Court have been passed in the favour of Appellant which have been suppressed in the Suit proceedings. She would therefore submit that impleadment of the Appellant in the Suit proceedings is required so that the Appellant can file appropriate Application for determination of the Suit under the provisions of the Code of Civil Procedure, 1908 as available to the Appellant by invoking the issue of jurisdiction.

6. After going through the record of the case and

after hearing Ms. Khan, *prima facie* case is clearly made out for issuance of notice and stay of the order dated 08.04.2025. The order dated 08.04.2025 is therefore stayed.

7. In view of the above, issue notice to Respondents.

8. Humdast permitted. In addition to Court's notice, Appellant is directed to serve the Respondents a copy of this order and copy of Appeal and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

9. Respondents are directed to file their Affidavit-in-Reply on or before the next adjourned date.

10. Stand over to **09th October, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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