

VRJ

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

WRIT PETITION NO.2545 OF 2020

VAIBHAV
RAMESH
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Bharat Bhaskar Bhoir & Anr. ... Petitioners
V/s.
Vinayak Jagannath Bhoir & Ors. ... Respondents

Mr. Kishor K. Malpathak for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 6, 2025

P.C.:

1. According to the petitioners, they filed a suit for partition wherein the property purchased by the third party sought to be added by the application under Order I Rule 10 of the Civil Procedure Code, 1908 was not subject matter of the suit. The property is subject matter of counter-claim. *However, defendant Nos.1 to 4 filed an application to add themselves as defendants in a suit filed by the petitioners wherein the property is not subject matter.* Hence, issue notice for final disposal to the respondents, returnable on **3 March 2025**.

2. Till the next date, the proceedings of the suit filed by the petitioners bearing Regular Civil Suit No.256 of 2006 shall remain stayed.

(AMIT BORKAR, J.)

Note:- This order is modified as per order dated 8 January 2025. The corrections in the middle portion of paragraph 1 are shown in italicize.