

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.552 OF 2015
IN
CIVIL REVISION APPLICATION NO.576 OF 2009

The Maharashtra State Co-operative	]	
Agricultural Rural Multipurpose	]	
Development Bank Ltd.	]	... Applicant/ (Org.Deft.No.1)

Versus

Mrs. Raj Gul Makhijani.	]	... Respondent/ (Orig. Plaintiff)
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And

Mr. Sudhir Jhangiani.	]	... Applicant
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Mr. Agnel Carniro i/b M/s Mulla & Mulla & CBC for Applicant.
 Mr. S. Shukla i/b Kirit Hakani for Respondent.

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 29, 2015

P. C. :-

1. By this application, Mr. Sudhir Jhangiani seeks to be impleaded as a respondent in place of the existing respondent Mrs. Raj Gul Makhijani. This relief is applied for on basis of probate dated 28/05/2015 in terms of which the applicant Sudhir Jhangiani claims to have acquired some interest in the suit premises from his deceased

brother Mr. Sanjiv Mohan Jhangiani. The substitution is claimed on the basis that said Mr. Sanjit Mohan Jhangiani was the Constituted Attorney of Mrs. Raj Gul Makhijani.

2. The claim of substitution is also made on the basis of certain agreements referred to in para 4 of the Civil Application. Again, it is clarified that these proceedings are not some occasion to decide issues as between the original respondent no.1 and Mr. Sudhir Jhangiani. There is no question of cognizance of those documents at this stage. The prayer for substitution is therefore entirely misconceived and therefore rejected.

3. However, without prejudice to the rights and contentions of both the applicant in Civil Revision Application as also the respondent no.1, leave is granted to implead the applicant i.e. Mr. Sudhir Jhangiani as respondent no.2 in the Civil Revision Application.

4. The applicant to carry out the necessary amendment within a period of four weeks from today.

5. Civil Application is disposed of.

(M. S. SONAK, J.)