

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2149 OF 2015**

1. Nahid wd/o Abdul Hafiz Qureshi and ..Petitioners
Ors.

Vs

1.Nadeem Ahmed Abdur Rashid .. Respondents
Ansari and Ors

Mr. Idris M. Vohra, Advocate for Petitioners.

CORAM : R.G.KETKAR,J.
DATE : 12/01/2016

PC:

1. Heard Mr. Idris Vohra, learned counsel for the petitioners at length.
2. By this Petition under Article 227 of the Constitution of India, defendants no.1 to 4 have challenged the Judgment and order dated 19.1.2015 passed by the learned Judge presiding over Court Room No.6 of the Small Causes Court at Bombay below Exhibit 32 in R.A.E. Suit No.235/368 of 2013. By that order, the learned trial Judge allowed application Exhibit-32 and condoned delay of 167 days in filing that application. Applicants no.1-Noor Bano wd/o Abdur Rashid Ansari, no. 2-Jahan Aara Anwar Javed Ansari, no.3-Mohammed Imran s/o Abdur Rashid Ansari, no.4-Shabana Amjad Ali Sayyed were permitted to prosecute the suit as legal heirs of original plaintiff-Abdur Rashid Ansari, since deceased.

3. The only contention advanced by Mr.Vohra is that the learned trial Judge has not considered the contention advanced on behalf of the defendants that two sets of Advocates cannot represent two sets of plaintiffs. He submitted that plaintiffs no.1 to 3 are represented by Advocate Rizvi. Plaintiffs no.4 to 7 are represented by Advocate Zia Mustafa. Interest of the plaintiffs no.1 to 3 and plaintiffs no. 4 to 7 is conflicting. The learned trial Judge, however, has not dealt with this objection at all.

4. As noted earlier, the learned trial Judge has allowed the application at Exh.32 taken out by Noor Banu and 3 others for bringing them on record as legal heirs of deceased plaintiff Abdur Rashid Ansari. Initially after the death of original plaintiff Abdur Rashid Ansari, plaintiff no.1 Nadeem Ahmed Abdur Rashid Ansari, plaintiff no.2 Mohammed Asif Abdur Rashid Ansari, plaintiff no.3 Mohammed Arif Abdul Rashid Ansari were brought on record as legal representatives. Subsequently, Noor Banu and 3 others filed application Exh.32 for bringing them on record. By the impugned order, the learned trial Judge has allowed that application. At the time of hearing of that application, Advocate Rizvi represented original plaintiffs no. 1 to 3 and applicants were represented by Advocate Zia Mustafa. I, therefore, do not find merit in the submission of Mr. Vohra that two sets of Advocates represented two sets of plaintiffs.

5. It is, however, made clear that in case plaintiffs no.1 to 3 are represented by one set of Advocates and plaintiffs no. 4 to 7 are represented by another set of Advocates, defendants no.1 to 4 will be at liberty to raise objections before the trial Court. If such objections are raised, they shall be dealt with in accordance with law. In that regard, all contentions of the parties are kept open. Subject to this, Petition fails and the same is dismissed. Order accordingly.

(R.G.KETKAR, J.)