

Sequeira

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

WRIT PETITION NO. 6596 OF 2016

Mr.Ramdhari D. Mishra

.. Petitioner

Vs.

Saeed Shah Mohammed Khan

@ Mohammed Saeed Khan & ors.

.. Respondents

Mr.Indrajeet Yadav, for the Petitioner.

Mr.V.S.Kapse, for Respondent Nos.2 and 3.

***CORAM : N.M.Jamdar, J.
Tuesday, 6 September 2016.***

P.C. :

By this petition, the Petitioner challenges the order dated 2 September 2015 passed by the learned City Civil Court, Mumbai dated rejecting the Chamber Summons taken out by the Petitioner-Defendant No.1 for transposition as a Plaintiff.

2. Heard learned counsel for the parties. There is no error in the impugned order. The suit is filed under Section 6 of the Specific Relief Act, 1963. The summary remedy is provided upon certain conditions, which is meant to give urgent relief to those who were in possession and unlawfully dispossessed. It is not the case of the Petitioner, that Petitioner was in possession and unlawfully

dispossessed by the Respondents. If the Petitioner has grievance of any civil nature, like any other litigant, the Petitioner could always file a regular civil suit if permitted in law. No case of interference is made out. Writ petition is accordingly rejected.

(N.M.Jamdar, J.)