

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION (ST) NO.1049 OF 2017

Sohanlal Jain

..Petitioner.

V/s.

Reza Abdul Latif Saboonchi & Ors.

..Respondents.

Mr.Kunal Bhanage for the Petitioner.

Ms.J.P.Thakkar for Respondent Nos.1 and 9 to 11.

CORAM : N.M.Jamdar, J.

DATED : 23 January, 2017

P.C. :-

Not on board. Taken on production board by way of praecipe.

2. This petition is filed by the Defendants in the suit, taking exception to the amendment granted by the impugned order on the application filed by the Respondent-Plaintiff. By this amendment, the Respondent-Plaintiff has sought to delete certain trustees and to bring on record new trustees. The objection to this is raised by the Petitioners on the ground that those trustees who have been deleted ought not to have been deleted without they being

heard and whose presence is necessary for adjudication of the issue and the trustees who are now sought to be brought on record do not have the authority to prosecute the same. The learned counsel for the Respondent-Plaintiff submitted that the trust is registered and, therefore, these objections cannot be accepted. Be that as it may, merely because an amendment has been carried out and trustees have been brought on record, the case of the Petitioners to challenge the array of trustees who have been brought on record and requirement of the presence of the trustees who are deleted from the array of trustees, is not taken away. What is directed is only an amendment. All contentions of the parties pursuant to the amendment are open and the order is interlocutory. It is not necessary to interfere with the impugned order. Keeping all contentions open, the writ petition is disposed of.

(N.M.Jamdar, J.)