

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

APPEAL FROM ORDER NO.

... Appellant

Vs.

... Respondent

Mr.for the Appellant
Mr., for Respondent

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: FEBRUARY 12, 2018**

P.C. :

1. Ms.....the learned Counsel appearing for the ..., submits that 70% rights in the property are purchased by the applicant from the original defendants i.e., appellant and, therefore, the applicant be allowed to intervene in this appeal. She submits that the applicants want to file Chamber Summons in the Suit before the trial Court.

2. This pertains to the suit bungalow. The plaintiff has filed suit for declaration and injunction. The plaintiff is the daughter in law of the deceased appellant No.1 i.e., defendant No.1. The trial Court by its order dated 13.2.2014 has made the notice of Motion

No.1409 of 2010 absolute in terms of prayer clause (a) i.e., the defendants shall not interfere, obstruct in any manner, shall not cause nuisance and annoyance in the plaintiffs' use and occupation of the suit premises.

3. The application for intervention is allowed.

4. However, the applicants have not taken out any steps for their impleadment in the suit.

5. As on today, none appears for appellant No.2. However, as the applicants have stepped in the shoes of the present appellants, it appears that the transfer is *lis pendens* and the trial Court may consider all the aspects if the Chamber Summons is taken out by the applicants in the suit.

6. In view of the above, Appeal is dismissed. It is to be noted that the plaintiff i.e., respondent No.1 is the daughter in law who claims her right through her deceased husband in the suit property.

(MRIDULA BHATKAR, J.)