

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 5074 OF 2016****Umidali Sultani Jairazbhoy & Ors.****..... Petitioners****VERSUS****Municipal Corporation of Greater
Mumbai & Ors.****..... Respondents**

Mr.Sushant Yadav, i/b. M/s.K.Ashar & CO. for the Petitioners.

Mr.R.Y.Sirsikar, a/w. Mr.G.O.Giri for the Respondent nos. 1 to 3.

Mr.Arsh Mishra, i/b. M.V.Kini & CO. for the Respondent no.4.

Mr.Chirag Mody, a/w. Mr.Munaf Virjee, Mr.Rishikesh Soni, I/b.
Pandya and Poonawala for the Respondent no.5.**CORAM : R.D. DHANUKA, J.****DATE : 29th AUGUST, 2018****P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order passed by the learned trial judge on 29th January, 2016 allowing the Chamber Summons No. 2595 of 2014 passed in Long Cause Suit No.567 of 2012 filed by the third party who claims that if any interim relief or the final relief is granted in favour of the original plaintiffs by the trial court, the interest of the applicants in the chamber summons would be seriously affected.

2. Learned trial judge has considered this aspect in the impugned order and has rendered a *prima facie* finding that if any interim order is passed by the trial court in the suit filed by the petitioners, the right of

the applicants in the chamber summons would be affected.

3. It is not in dispute that after passing of the impugned order by the learned trial judge, the newly added party has already has already filed written statement. The matter is now likely to be placed on board for framing issues.

4. In these circumstances, I am not inclined to interfere in the impugned order passed by the learned trial judge.

5. Writ petition is devoid of merits and is accordingly dismissed.
No order as to costs.

[R.D. DHANUKA, J.]

Kanchan
Vinod
Mayekar

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by Kanchan
Vinod Mayekar
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2018.08.30
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