

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

**CIVIL APPLICATION NO.263 OF 2014
IN
CIVIL REVISION APPLICATION NO.252 OF 2011**

Mrs.Najma Begum Nasir Ahmad
Momin (Through P.O.A.Holder
Nasir Ahmed Momin) .. Petitioner

V/s.

Sultan Ahmad Mohammad
Mustakeen since deceased
Mehtab Alam Sultan Ahmed and Anr. .. Respondents

Mr.Amol P. Mhatre for the applicant

CORAM: K.K. TATED, J.

DATED : NOVEMBER 26, 2018

P.C. :

1 Heard the learned counsel for the Applicant.

2 Advocate for the Applicant submits that both the Respondents are duly served by publication as per earlier order dated 14.06.2016 in Civil Application No.185 of 2016. In spite of service, no one appeared on behalf of them when the matter was called out.

3 By this Civil Application, Applicant is seeking permission to add Respondent no.2 as party Respondent in Civil Revision Application No.252 of 2011.

4 The learned counsel for the Applicant submits that during the pendency of the present Civil Revision Application Respondent no.1 inducted Respondent no.2 in a suit property. Hence, he is a necessary party.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

A) Applicant is permitted to join Respondent no.2, Maqsood Ahmad Hanif Mukadam, as Respondent no.2 in Civil Revision Application No.252 of 2011.

B) Amendment be carried out on or before 07.12.2018, failing which the Civil Revision Application shall stand dismissed without further reference to the court.

C) If amendment is carried out within stipulated time as stated hereinabove, Registry is directed to issue notice to the added Respondent, returnable thereafter within 8 weeks.

D) In addition to usual mode of service, Applicant is permitted to serve Civil Revision Application No.252 of 2011 on added Respondent by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

(K.K. TATED, J.)