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

WRIT PETITION NO.11942 OF 2016

Deepa Devanand Gaikwad ... Petitioner
V/s.
Michael Sebsten Joseph ... Respondent.

Mr. R. K. Mendadkar, for the Petitioner.
Mr. P. J. Thorat, for the Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th JANUARY, 2018.

P.C. :

- 1] Heard learned counsel for the petitioner and respondent.
- 2] By this petition filed under Article 227 of the Constitution of India, the petitioner is challenging the order dated 10.6.2016, passed by Ad-Hoc Judge, City Civil Court, Greater Bombay, thereby rejecting the Chamber Summons No.1986 of 2015 filed by the petitioner. The Chamber Summons was filed in order to add certain parties to the suit. However, as rightly observed by the trial Court, no substantial relief was asked against those persons and it is also not explained as to how their presence was necessary for decision of the suit which was simpliciter for declaration that the gift deed dated 5th February, 2009, executed by the original defendant in favour of the

petitioner is valid, legal and subsisting and for injunction thereby to restrain defendant from causing disturbance to the plaintiffs' possession, but no such relief is claimed against the persons who are sought to be added by the Chamber Summons. Despite that it appears that the trial Court has already recorded statement of defendant that he is not going to sell or transferring the said property and advocate for plaintiff-petitioner was satisfied with the said statement and is not insisting for passing any order of injunction.

3] Today also learned counsel for respondent-defendant makes statement that defendant is not going to sell or transfer the said said property.

4] In view thereof, there remains absolutely nothing in the Chamber Summons. The trial Court, has therefore, rightly rejected the same. The writ petition stands dismissed accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]