

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

WRIT PETITION NO.10187 OF 2018

Vimal Anant Parab & Ors.	.. Petitioners
Vs.	
Anant Gopal Parab & Anr.	.. Respondents

Mr.S.P. Srivastava for the petitioners.
Mr.Darshana K. for the respondents.

***CORAM : R.D. DHANUKA, J.
DATE : 10th September 2018***

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 6th August 2018 passed by the learned trial Judge thereby allowing the Chamber Summons No.1903 of 2017 filed by the respondent no.1 for impleadment and for condonation of delay in filing the chamber summons.

2. The respondent no.1 (original applicant) claims to be the second wife of the petitioner (original plaintiff) who had filed a suit against the petitioners inter alia praying for declaration that the defendants have no legal right, title and interest in respect of the suit premises. Learned trial Judge has considered the admitted position that the respondent no.1 was the second wife of the original plaintiff and had married with the original plaintiff after his divorce with the first wife. The marriage between the respondent no.1 and the original plaintiff was duly registered. The original plaintiff had expired on 3rd March 2017.

3. It was the case of the respondent no.1 that she came to know about filing of the suit against the petitioners in the first week of November 2017 and thereafter she filed a chamber summons.

4. Learned counsel for the petitioners states that the respondent no.1 was not at all concerned with the suit premises since she has been staying in separate premises at Andheri whereas the suit premises is situated at Bandra.

5. A perusal of the prayer clauses (a) and (b) of the suit clearly indicates that the said prayers were for declaration that the respondents have no legal right, title and interest in respect of the suit premises and for an order to remove all their articles from the suit premises. In my view, the learned trial Judge has thus rightly allowed the said chamber summons filed by the respondent no.1 being the widow of the original plaintiff and has rightly condoned the delay. I do not find any infirmity in the impugned order dated 6th August 2018 passed by the learned trial Judge. Writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.