

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
***CIVIL APPELLATE JURISDICTION***  
**WRIT PETITION NO. 1216 OF 2017**

**Sultan Ali Peerji**

**..... Petitioner**

**VERSUS**

**The State of Maharashtra & Ors.**

**..... Respondents**

Mr. Shailesh Rai for the Petitioner.

Mr. Ashokkumar R. Upadhyay for the Respondent no.1.

Mr. R. Y. Sirsikar, a/w. Mr. G. O. Giri, for the MCMG, Respondent no.2.

**CORAM : R.D. DHANUKA, J.**

**DATE : 29<sup>th</sup> AUGUST, 2018**

**P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 15<sup>th</sup> November, 2016 passed by the learned trial judge allowing the chamber summons filed by the respondent no.3 for impleadment in a suit filed by the petitioner herein against the State of Maharashtra and Municipal Corporation of Greater Mumbai *inter alia* praying for declaration that the petitioner is entitled to permanent alternate accommodation in lieu of the suit premises.

2. A perusal of the order dated 15<sup>th</sup> November, 2016 passed by the learned trial judge indicates that the respondent no.3 (original applicant) shows that the applicant has filed voluminous documents including assessment bills to *prima facie* show that the structures are in the name of Shri Hariprasad Ramautar who was the grand-fore-father

of the respondent no.3. Considering those documents, the learned trial judge has *prima facie* observed that the respondent no.3 has interest in the suit property.

3. Since the petitioner claims permanent alternate accommodation in respect of the premises in which the respondent no.3 also claims right, in my view the learned trial judge was right in allowing in Chamber Summons No. 56 of 2016 filed by the respondent no.6. I do not find any infirmity in the impugned order passed by the learned trial judge.

4. It is made clear that the observations made by the learned trial judge about the alleged claims by the respondent no.3 are *prima facie* and the learned trial judge shall not be influenced by those observations made in the impugned order while deciding the suit.

5. Writ petition is accordingly dismissed. No order as to costs.

6. Amendment to the plaint shall be carried out within one week from today.

**[R.D. DHANUKA, J.]**

Kanchan  
Vinod  
Mayekar

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by Kanchan  
Vinod Mayekar  
Date:  
2018.08.30  
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