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

WRIT PETITION NO.13857 OF 2017

Our Lady of Vailankanni and Perpetual Succour CHSL	...	Petitioner
V/s. St. Michael's Church and ors	...	Respondents

Mr. Jai Kanade with Mr. Ashok V. Jain i/by M/s
A.V. Jain, for the Petitioner.

Mr. Prasad Dani, Senior Counsel a/w Mr.
Aditya Shiralkar a/w Ms. Prachi Mhatre for
M/s Shiralkar & Co., for the Respondent No.3.

Mr. Kishore Jain a/w Priyal Chheda a/w Ms.
Kishori Katkar a/w Ms. Minal Lodaya i/by
Divya Jain & Priyal Chheda, for respondent
Nos. 6 to 10, 12 and 13.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 20th FEBRUARY, 2018.

P.C. :

1] Heard learned counsel for the petitioner, learned Senior
Counsel for the respondent No.3 and learned counsel for respondent
Nos 6 to 10 and 12 and 13.

2] By this petition filed under Article 226 and 227 of the
Constitution of India, the petitioner is challenging the order dated
27th November, 2017 passed by the learned City Civil Court, Mumbai,

in Chamber Summons No.1237 of 2017 in S.C. Suit No.875 of 2011, thereby allowing the Chamber Summons and adding respondent Nos. 6 to 13 as party defendants to the suit.

3] Learned Senior Counsel for respondents points out that in pursuance of the said order, the petitioner herein, after seeking extension of time stipulated for carrying out the amendment, has carried out the amendment to the plaint. Respondent Nos. 6 to 13 are already joined in the suit. Not only that, they have filed written statements and the issues are framed. Further it is also pointed that as hearing of the suit is expedited by this Court, the petitioner-plaintiff filed affidavit in lieu of examination-in-chief.

4] In such situation, it is really futile to enter into the legality, validity and propriety of the impugned order passed by the trial Court. As the hearing of the suit is already expedited, in the interest of justice keeping open all the contentions raised by both parties, to be decided by the trial Court at the time of final hearing of suit, writ petition stands disposed off as dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]