

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

LEAVE PETITION (L) NO. 319 OF 2019

M/s. Vijay Board Agencies

**...Orig.Plaintiff
/Petitioner**

Versus

**Bilkis Banoo Shakeel Ahmed Shaikh &
Ors.**

**...Orig. Defendants
/Respondents**

Mr. Salil Gandhi, i/by Markand Gandhi & Co., for the
Orig.Plaintiff/Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 4 September 2019

ORDER :

1. This Petition has been filed for leave under Order II Rule 2 of the Code of Civil Procedure, 1908 to be granted to the Petitioner to institute separate proceedings against the Respondents for such additional reliefs arising out of the same cause of action as and when the same is ascertained by the Petitioner.

2. The Suit has been filed for exercising its right of first

option to purchase the suit property under Indenture dated 9th November 1967 and for declaration that the same is valid and binding and enforceable against the Respondents and further, to declare the Petitioner as rightful owner of the suit property. It is stated that the conduct of the Respondents had caused monetary damage and loss to the Petitioner and the Petitioner is desirous of reserving its right to sue in respect of the additional relief which arise or may arise from the same cause of action.

3. The learned Counsel for the Petitioner states that the revisionary rights in respect of the suit property by Conveyance Deed dated 24th August 2018 entered into between Defendants No. 1 to 6 and Defendant No. 7 be cancelled. He states that necessary averments of reserving the Petitioner's right to apply for leave under Order II Rule 2 of the Code of Civil Procedure, 1908 are in paragraph 61 of the Plaint.

4. Considering that necessary averments have been made in paragraph 61 of the Plaint for reserving the Petitioner's right to apply for leave under Order II Rule II of the Code of Civil Procedure, 1908 to institute a separate legal proceeding against the Defendants

for additional relief arising out of the same cause of action. I am satisfied that the Petitioner is entitled to be granted leave under Order II Rule 2 of the Code of Civil Procedure, 1908.

5. Leave granted. The Petition is made absolute in terms of prayer clause (a).

[R.I. CHAGLA J.]