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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1591 OF 2016
IN
SUIT NO. 2862 OF 2008

Abdul Sattar Haji Usman & Anr	...Plaintiffs
<i>Versus</i>	
The Archbishop of Bmbay & Ors	...Defendants

Mr Altaf Khan, for the Plaintiffs.

CORAM: G.S. PATEL, J
DATED: 18th March 2019

PC:-

1. Heard. The Chamber Summons has been served. It is directed against Defendant No. 5, a real estate developer. It seeks a particularised disclosure of third party rights created in, and any construction carried out on, the suit property, viz., CTS Nos. 40, 40/1 to 40/129, Survey No. 40 Hissa No. 1, Village Vile Parle, Taluka Andheri, Mumbai Suburban District.

2. The disclosure is undoubtedly necessary, especially in view of prayer clause (a) which seeks a declaration of title in favour of the Plaintiffs along with Defendant No. 3 of this very property.

3. On account of certain orders passed in Section 9A proceedings, the suit does not survive in regard to the reliefs except prayer clause (a). This information will be necessary for the Plaintiffs to be able to get an effective decree as the Plaintiffs may need to implead any persons in whose favour third party rights have been created.

4. The Chamber Summons is accordingly made absolute in terms of prayer clause (a).

5. The 5th Defendant will file and serve an Affidavit of Disclosure in terms of that prayer on or before 5th April 2019.

6. A copy of this order will be served on the 5th Defendant or his Advocates by the Advocates for the Plaintiffs. Upon receipt of that Affidavit, liberty to the Plaintiffs to adopt suitable proceedings.

(G. S. PATEL, J)