

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1 OF 2019**

IN

SUIT NO. 1208 OF 2012

Mrs. Deepa Krishna Surve ... Applicant/Intervener

In the matter between

Indira Devdas Narayankar & Ors. ... Plaintiffs

V/s.

Bharat Petroleum Corporation Ltd. & Ors.Defendants.

Ms. Monisha Pauly i/b r. Bhargavan & Associates, Advocate for Plaintiff.

Mr. Abhishek A. Walwalkar a/w Mr. Mohd. H. Najmi and Mrs. Maria M. Najmi, Advocates for Intervener.

Mr. Shriraj Khambete a/w Mr. Medhas Nambiar i/b M/s The Law Point, Advocates for Defendant No.1.

CORAM : G.S. KULKARNI, J.

DATE : 18th DECEMBER, 2019

P. C.

Heard learned counsel for the applicant on this interim application which prays for intervention of the applicant in the above suit praying that the intervener be added as a party defendant.

2. The case of the Applicant is that the original suit is filed by the brother of the Applicant which pertains to property/premises which belonged to the late parents of the plaintiff and the Applicant. The premises were let out to Defendant No.1/ Bharat Petroleum Corporation Ltd.

3. Learned counsel for the Applicant submits that the Plaintiff may compromise the suit with the Defendant/BPCL and this would cause a serious prejudice to the Applicant. It is contended that the Applicant had no knowledge of the present suit and the knowledge of the valuable properties which were left behind by her father Balaram S. Narayankar and mother Laxmibai Balaram Narayankar. He states that only when, she received a copy of the letter dated 2nd November 2019

of the Plaintiff's advocate, which was addressed to the plaintiff being marked to the Applicant, the Applicant came to know of the present suit.

4. *Prima facie* considering the facts and circumstances of the case, in my opinion the Applicant would certainly have rights in the suit property, which do not belong solely to the Plaintiff, as the property belonged to the deceased parents of the Plaintiff and the Applicant. Thus in my prima facie opinion, it may be necessary to implead the applicant as party Defendant. It is informed that there are other legal heirs of the Deceased Balaram Narayankar and Laxmi Narayankar, who are named in paragraph 2 of the application who are also required to be impleaded as defendants along with the applicants being the legal heirs of their deceased parents. Learned counsel for the Defendant No.1 also contends that it would be appropriate that the applicant is brought on record.

5. However, today the learned counsel for the Plaintiff seeks time to take instructions. The request is not justified as there cannot be any opposition to the application of this nature. Only as an indulgence, the request is granted.

6. Stand over to 6th January 2020 for hearing. High on Board.

7. In the meantime, the Plaintiff is directed not to proceed with the suit or withdraw the suit. Learned counsel for Defendant No. 1 also makes a statement that his clients would not agree to withdraw the suit or in any manner compromise the suit till the adjourned date of hearing. Statement is accepted.

[G.S. KULKARNI, J.]