

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

**INTERIM APPLICATION NO. 2956 OF 2021
IN
SUIT NO. 154 OF 2021**

Harjit Kaur Malik & Anr. ... Applicants/Intervenors

In the matter between

Bhavjyot Kaur ... Plaintiff

Versus

Inderjit Singh Sethi & Ors. ... Defendants

**NOTICE OF MOTION (L) NO. 1984 OF 2019
IN
SUIT NO. 154 OF 2021**

**WITH
CONTEMPT PETITION (L) NO. 29760 OF 2021
IN
NOTICE OF MOTION (L) NO. 1984 OF 2019**

Mr. Akshay Jadhav for the Plaintiff.

Mr. Udayan Shah, Mr. Jay Gala and Ms. Urvashi Haryan i/b Mr. Jay Gala
for the Applicants in IA/2956/2021.

Mr. Shakeeb Shaikh a/w Mangesh Nalawade for Defendant Nos.1 to 4.

CORAM : R.I. CHAGLA, J.

DATED : 28th MARCH, 2022.

ORDER :

1 Heard the learned Counsel for the parties. By this Interim Application, the Applicants/Intervenors have sought permission to intervene and/or be impleaded as party Defendants in the present Suit filed by the Plaintiff.

2 The Applicants/Intervenors are daughters of the late Swinder Singh Sethi, grandfather of the Plaintiff and father of Defendant Nos.1 to 3 and father-in-law of Defendant No.4. Thus the Applicants/Intervenors are the paternal aunts of the Plaintiff and sisters of Defendant Nos.1 to 3 and sister-in-law of Defendant No.4. Considering their relationship to the Plaintiff as well as Defendant Nos.1 to 3 and that the dispute concerns and Memorandum of Understanding (MOU)/deed of family arrangement dated 30.06.2017 recording the properties purchased by the father of the Applicants/Intervenors and grandfather of the Plaintiff which includes the suit flats, it would be appropriate that the relief sought for in the Interim Application be allowed.

3 There is an averment in paragraph 9 of the Interim Application that there was a refusal of the Applicants/Intervenors and one Mr. Manjit Kaur Sethi to issue no objection certificate as per the family

arrangement in the MOU dated 30.06.2017, which resulted in the termination and cancellation of the MOU dated 30.06.2017. It is further stated that the Plaintiff has suppressed this fact and approached this Court and intentionally avoiding to make the Applicants/Intervenors as party Defendants to the present Suit.

4 Considering that the specific performance of the said MOU is sought for by the Plaintiff in the present Suit, it would be appropriate to consider the contentions of the Applicants/Intervenors on the termination and cancellation of the said MOU. Accordingly, the Interim Application is allowed. Hence, the following order :

- i) The Applicants/Intervenors are permitted to be impleaded as party Defendants to the present Suit filed by the Plaintiff.
- ii) The Plaintiff shall carry out amendment in the Plaint and Notice of Motion (L) No.1984 of 2019 filed in the above Suit to join the Applicants/Intervenors as Defendant Nos.6 and 7.
- iii) The amendment shall be carried out by the Plaintiff within a period of four weeks from today i.e. on or before

25.04.2022. Re-verification is dispensed with.

iv) The Interim Application No.2956 of 2021 is disposed of in the above terms.

v) The newly joined Defendant Nos.6 and 7 are permitted to file their affidavit in reply to the Notice of Motion (L) No.1984 of 2019 within a period of two weeks from today.

vi) The Plaintiff is at liberty to file affidavit in rejoinder thereto within a period of one week thereafter.

vii) Defendant Nos.1 to 4 who are Respondents in Contempt Petition (L) No.29760 of 2021 are permitted to file their affidavit in reply to the Contempt Petition within a period of two weeks from today.

viii) List the Contempt Petition along with the Notice of Motion (L) No.1984 of 2019 taken out in the present Suit, on 26.04.2022.

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.03.31
17:34:58
+0530

(R.I. CHAGLA, J.)