

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4803 OF 2024

Halima Sultan Alowais

.. Petitioner

Versus

Hussain Mohammed Humaid Shattaf and Ors.

.. Respondents

.....

- Mr. Aayush Kedia, Advocate for Petitioner.
- Mr. Ashwin Shete a/w. Mr. Yash Pandya and Mr. Rohit Jain i./by Jayakar & Partners, Advocates for Respondent Nos.1 and 2.
- Mr. Yuvraj Narvankar, Advocate for Respondent No.3.
- Mr. Hamid Mulla, AGP for Respondent No.15 – State of Maharashtra.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 25, 2024

P.C.:

1. Heard Mr. Kedia, learned Advocate for Petitioner; Mr. Shete, learned Advocate for Respondent Nos.1 and 2; Mr. Narvankar, learned Advocate for Respondent No.3 and Mr. Mulla, learned AGP for Respondent No.15 – State of Maharashtra.

2. Pursuant to hearing held on the previous date i.e. 14.06.2024 and as delineated in paragraph No.3 of the said order, after hearing learned Advocates appearing for respective parties today, it is clear that in view of the stand adopted by Plaintiff No.3, she no longer can continue as Plaintiff in the suit proceeding.

3. However in the interest of justice and in order to avoid prolixity and delay, in view of the stand adopted by Plaintiff No.3, she

is directed to be transposed as party Defendant in the suit before the Trial Court. The remaining Plaintiffs shall carry out the above amendment and necessary deletion within a period of two weeks from today. Trial Court shall permit the same.

4. By virtue of this transposition, the impugned order is not interfered with by this Court. It is sustained. Needless to state that right of the Plaintiff No.3 who is now transposed as party Defendant in the suit proceedings before Trial Court are expressly kept open and available to her as Defendant in the said suit to file or take out any such application as shall be available to her in law. If any such application is taken out, it shall be dealt with and decided after hearing all concerned parties by the learned Trial Court and strictly in accordance with law. Needless to state that all contentions of parties are expressly kept open without this Court delineating anything on merits.

5. With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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