

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11538 OF 2024**

Ajay Kumar Nair and anr. ... Petitioner

versus

Rubina Abdul Rauf Patel and ors. Respondents

Mr. Girish Godbole, Senior Advocate, Mr. Sharad Bansal, Mr. Murtuza Federal, Ms. Urali Bodaji and Mr. Jash Shah i/b. Federal and Company, Advocates for the Petitioner No.1.

Mr. Anil Anturkar along with Mr. Sachin Thorat, Advocate for Respondent Nos.1 to 6.

Mr. Sandeep Phatak, Advocate for Respondent Nos.7 to 11.

Mr. Nitin Gaware Patil along with Mr. Abhishek Nagode, Advocate for Petitioner No.2/Now Respondent No.12.

CORAM : R. M. JOSHI, J.

DATE : 29th AUGUST, 2024.

P.C. :

1. Today, Mr. Gaware Patil, learned counsel, has placed on record affidavit of Mahitabi Mohammad Mulani. It is the contention of petitioner No.2 that she has never authorised anyone to file this petition on her behalf.

2. Learned senior counsel appearing on behalf of the petitioner, without prejudice to his other submissions, seeks leave to transpose petitioner No.2 as respondent No.12.

3. In the peculiar facts and circumstances of the case, transposition is allowed. Amendment be carried out forthwith.

4. Mr. Nagode, learned counsel, undertakes to cause appearance on behalf of respondent No.12.
5. Respondent No.12 is directed to file affidavit indicating as to whether or not she has initiated the original proceedings on the basis of which further proceedings were undertaken and culminated into the present petition. Any other defense of this respondent is allowed to be taken.
6. The affidavit-in-reply be filed on or before the next date. Copy of the reply be made over to the other side at least 48 hours in advance.
7. Rejoinder, if any, be filed on or before the next date of hearing.
8. Petitioner No.2 is present before this Court. Petitioner No.2, who is now respondent No.12 is directed to place on record affidavit of petitioner No.2 indicating her permanent residential address with further directions that in case she changes her address, the same be intimated to this Court in writing.
9. Stand over to 6th September 2024.

(R. M. JOSHI, J.)