

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18545 OF 2024

Latif Jan Mohamad And Anr

..Petitioners

Versus

Noor Banu Khan & Ors

...Respondents

Mr. Sanjiv Sawant, with Bhakti Wast, i/b Abhishek Deshmukh, for the
Petitioner.

Mr. , for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 18th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 20th November 2023 passed by the learned Judge, City Civil Court, whereby the Chamber Summons taken out by Respondent Nos. 3 to 5 to implead them as the legal representatives of Sugrabi Khan, the deceased-Plaintiff No.2, came to be allowed.
3. Mr. Sawant, learned Counsel for the Petitioners, submitted that the dispute between the parties stems from Agreement for Sale dated 17th December 2004 and the Suit was filed for injunction to restrain the Petitioners from causing obstruction to the possession of the Plaintiffs

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over the suit property and from alienating or disposing of the suit property. Respondent Nos. 3 to 5 are the son and daughters of Plaintiff No.1. On account of impleadment of Respondent Nos. 3 to 5, there is an apprehension that the scope of suit for injunction would expanded and further reliefs were sought against the Petitioners.

4. The learned Judge was persuaded to allow the Chamber Summons as it was considered appropriate to have the estate of the deceased-Plaintiff No. 2 represented in the suit. So to that extent, no fault can be found with the impugned order.

5. However, in the event, Respondent Nos. 3 to 5 assert that their independent rights apart from those in their character of the legal representatives of the deceased-Plaintiff No.2, the Petitioner-Defendant would be entitled to raise all the objections available in law.

6. Petitions stands disposed, keeping open the liberty to the Petitioner to raise the objections as available in law in the event Respondent Nos. 3 to 5 assert their independent rights (other than those in their character as legal representatives of deceased-Plaintiff No.2).

[N. J. JAMADAR, J.]