

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3221 OF 2025

All India Bank Officers' Association Through Its ..Petitioner
General Secretary and Authorized Rep Sundaram
Nagarajan

Versus

Sanjay Kumar Khan & Anr ...Respondents

Mr. Bhavesh Parmar, with Rahul Gaikwad, Aman Jhawar, Rajesh
Sahani, Aqueel Patel and Virendra Kadam, i/b Gravitas Legal,
for the Petitioner.

Mr. Nikhil Patil, with Jaideep Singh Khattar & Rohit B, i/b The Fort
Circle, for the Respondent No.1.

CORAM: N. J. JAMADAR, J.

DATED : 10th MARCH 2025

P.C.:

- 1.** Heard the learned Counsel for the petitioner.
- 2.** The challenge in this Petition is to an order dated 14th January 2025 passed by the learned Judge, City Civil Court, whereby a Chamber Summons taken out by respondent no.1 to implead him as a party-defendant in the Suit instituted by the plaintiff against respondent no.2 has been allowed.
- 3.** The essential dispute between the petitioner and defendant no.1 is regarding the right to represent the All India Bank Officers' Association ("the Association"). Both factions claim to be lawfully

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elected and contest the claim of the other faction to the office bearership of the Association.

4. The learned Counsel for the petitioner invited attention of the Court to the description of respondent no.1 in the title of the Chamber Summons wherein respondent no.1 claims to be the General Secretary of the Association. It was submitted that the petitioner-plaintiff is not averse to the impleadment, as such, of respondent no.1 as a party-defendant but is opposed to his impleadment in the capacity in which the respondent no.1 has taken out the Chamber Summons. It was submitted that the faction which the respondent no.1 represents has filed two suits; one before at Civil Court at Dwarka, Delhi and another before the City Civil Court, Dindohsi Division, Mumbai. But no interim relief has been granted in those suits.

5. The learned Judge, City Civil Court has recorded a *prima facie* finding that any adjudication in the instant suit may infringe the rights of respondent no.1. In that view of the matter the necessity of impleadment of respondent no.1 as a party-defendant cannot be contested. However, the respondent no.1 ought to be impleaded in his individual capacity *de hors* the appellation which the respondent no.1 has given to himself namely, “General Secretary” of the Association.

6. It is, further, clarified that respondent no.1 is entitled to raise all the contentions as permissible in law on the premise that he claims to be

an elected General Secretary of the Association in the pleading which may be filed on behalf of respondent no.1.

7. With the aforesaid clarification, the petition stands disposed.

[N. J. JAMADAR, J.]