



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7264 OF 2025**

The Trustees of the Parsi Panchayet Funds
and Properties, through its present trustees ... Petitioners
versus
Adi Savaksha Mehta (deceased) through
LRs and Ors. ... Respondents

Mr. Jamshed Master i/by Ms. Natasha Bhot, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 16 JUNE 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 19 December 2024 passed by the learned Judge, Court of Small Causes, whereby an application preferred by the Petitioners to recall the order dated 6 February 2024 whereby the Registrar of the Court of Small Causes was directed to represent the estate of Defendant Nos.1 and 3 as the legal representatives of Defendant Nos.1 and 3 were not known, came to be rejected.
3. Learned Judge, Court of Small Causes was of the view that the suit could proceed against unknown legal representatives of a party and under the provisions of Order XXII Rule 4A and the administrative direction the Court could appoint the Registrar of the Court to represent the estate of defendant Nos.1 and 3.

4. Mr. Master, learned Counsel for the Petitioners submitted, that there are illegal occupants in the suit property, who are contesting the suit. In the year 2014, an application to appoint the Registrar of the Court to represent the unknown legal representatives of Defendant No.1 was rejected. Since the persons who are in the unlawful occupation of the suit property are already contesting the suit, the Petitioners-Plaintiffs are put to unnecessary costs and expenses by directing the Registrar of the Court to represent the unknown legal representatives of Defendant Nos.1 and 3.

5. I have perused the order passed by the Court of Small Causes. In view of the provisions contained in Order XXII Rule 4-A of the Code of Civil Procedure, 1908, the Court is empowered to appoint the Court Official to represent interest of a deceased party, who has no legal representative. In the case at hand, there is a possibility that the interest of the deceased Defendant Nos.1 and 3 and the persons who are allegedly in the unlawful occupation of the suit premises might be adverse. In such a situation, the impugned order appointing the Registrar of the Court to represent the interest of deceased Defendant Nos.1 and 3 promotes the cause of justice.

6. No interference is warranted in such order in exercise of extra ordinary writ jurisdiction.

7. The Writ Petition, thus, stands dismissed.

(N.J.JAMADAR, J.)