

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7032 OF 2025

Ahmed Khan (Baba) Khwaja Moinuddin Khan ..Petitioner

Versus

Arvind Laxmidas Joysar and Ors ...Respondents

Mr. Anand Mishra, with Ashok M. Saraogi, for the Petitioner.

Smt. P. G. Gavhane, AGP, for the Respondent-State.

Mr. D.R. Kawale, for Respondent No.3.

CORAM: N. J. JAMADAR, J.

DATE : 20th JANUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 16th November 2024 passed by the learned Judge, City Civil Court, Mumbai, whereby the Chamber Summons No. 70 of 2018 taken out by the Petitioner for impleadment in L.C.Suit No. 2275 of 2017, came to be dismissed.
3. The prime reason which weighed with the learned Judge, City Civil Court was that the Petitioner has filed a Suit being Suit No. 1698 of 2017 for declaration that the Defendants-(Plaintiff No.1 in Suit No. 2275 of 2017 and another) had no right or interest in the property, described in that Suit, and the Notice of Motion taken out by the

Petitioner in the said Suit came to be dismissed. An Appeal against the said order was also withdrawn.

4. Since the Suit No. 1698 of 2017 has been filed by the Petitioner for declaration, and it is the claim of the Petitioner that the notice, legality and validity of which is assailed in L.C.Suit No. 2275 of 2017 was issued pursuant to the compliant lodged by the Petitioner with the Municipal Corporation, it would be expedient in the interest of justice that Suit No. 1698 of 2017 and the instant L.C.Suit No. 2275 of 2017 are decided by one and the same Court, simultaneously.

5. The Petition stands disposed with a request to the learned Principal Judge, City Civil Court to transfer Suit No. 1698 of 2017 and Suit No. 2275 of 2017 to one and the same Court.

6. The learned Judge, City Civil Court to whom both the Suits would be entrusted is requested to hear and decide both the Suits in accordance with law, simultaneously.

7. Petition disposed.

[N. J. JAMADAR, J.]