

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 77 OF 2021

Rukaiya Shariatullah Khan & Ors. ... Plaintiffs
V/s.
Najma Ali Bahadur & Ors. ... Defendants

WITH
INTERIM APPLICATION (L) NO. 16614 OF 2023
IN
SUIT NO. 77 OF 2021

Tarique Munawwar Rizvi ... Applicant
V/s.
Rukaiya Shariatullah Khan ... Respondent

WITH
INTERIM APPLICATION NO. 324 OF 2023
IN
SUIT NO. 77 OF 2021

Tariqueullah Shariatullah Khan ... Applicant
V/s.
Najma Ali Bahadur & Ors. ... Respondents

WITH
INTERIM APPLICATION (L) NO. 8260 OF 2026
IN
SUIT NO. 77 OF 2021

Najma Ali Bahadur ... Applicant
V/s.
Chandmiya Qureshi & Ors. ... Respondents

WITH
INTERIM APPLICATION NO. 1893 OF 2022
WITH
INTERIM APPLICATION (L) NO. 33808 OF 2023

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WITH
INTERIM APPLICATION NO. 3708 OF 2022
WITH
INTERIM APPLICATION NO. 4797 OF 2022
WITH
INTERIM APPLICATION NO. 3708 OF 2022
IN
SUIT NO. 77 OF 2021

Ms. Mona Vyas, for the Plaintiffs.

Mr. Pratap Singh, with Mr. Viraj Singh, for the Defendant no. 1 & Applicant in IAL/8260/2026.

Mr. Mihir Govilkar, (through VC) for the Applicant/Intervener in IAL/16614/2023.

Ms. Seema Pandey, for the Applicant in IA/3708/2022.

Mrs. Nandini Y. Deshpande, 1st Assistant Court Receiver, Present.

CORAM : FARHAN P. DUBASH, J.

DATE : 17th MARCH 2026

P. C.:

INTERIM APPLICATION (L) NO. 8260 OF 2026

1. Pursuant to the last order dated 24th February 2026, the Applicant/Defendant no. 1 has preferred Interim Application (L) no. 8260 of 2026 on 5th March 2026. However, a copy of the same has been served on the Plaintiffs only on 15th March 2026. Considering this, the Plaintiffs are not yet in a position to put in their reply thereto. Ms. Mona Vyas learned Counsel who appears on behalf of the Plaintiffs, states that the reliefs sought in the said Interim Application far exceed the liberty that was granted to Defendant

no. 1 and therefore, she wishes to oppose the reliefs that are sought in the Interim Application. The Plaintiffs are therefore permitted to put in their reply to the Interim Application which shall be filed and served, on or before 1st April 2026. Rejoinder, if any, shall be filed and served, on or before 8th April 2026.

2. At this point of time, Mr. Pratap Singh, learned Counsel who appears on behalf of Applicant/Defendant no. 1, states that since the hearing of the present Interim Application is being adjourned to 15th April 2026, his client should be relieved of making the payment as more particularly directed in the order dated 24th February 2026. This request is expressly denied. The undertaking recorded in paragraph 3 of order dated 24th February 2026 was not conditional on the Interim Application or its outcome and was a statement which was recorded on the basis of instructions given by Applicant/Defendant no. 1, who was present in Court on that date. Therefore, it is clarified that Applicant/Defendant no. 1 will be required to make the deposit as specified in the order dated 24th February 2026, considering that she has undertaken to make such deposit on or before that date. There will be no extension of time.

3. Ms. Nandini Deshpande, 1st Assistant to the Court Receiver, is present in Court today. She points out that erroneously, she had on the last occasion made a statement that the Court Receiver has deposited the earlier

amount with the Society. On checking the records, it appears that the said amount was not deposited with the Society but was in fact invested in a fixed deposit in the bank. She further points out that pursuant to the order dated 24th February 2026, Defendant no. 1 has deposited the amount of Rs. 2,71,200/- on 10th March 2026.

4. Considering this, the Court Receiver is hereby directed to make payment of sum of Rs. 4,29,800/- to the Society towards arrears of maintenance charges etc. till March 2025. This payment shall be made by the Court Receiver, on or before 1st April 2026.

INTERIM APPLICATION (L) NO. 16614 OF 2023

5. This Interim Application has been preferred by one Mr. Tarique Munawwar Rizvi, who is a third party to the present proceedings. By the present Interim Application, he seeks impleadment for the reasons set out therein.

6. Ms. Vyas, learned Counsel who appears on behalf of the Plaintiffs has no objection to impleading the Applicant as party Defendant no. 13.

7. Considering this, the following order is passed:-

::ORDER::

(i) The Plaintiffs are directed to amend the cause title of the

Plaint and implead the Applicant to this Interim Application as party Defendant no. 13. This amendment shall be carried out on or before 1st April 2026 and a copy of the amended Plaintiff shall be served on all the Defendants as also the newly added Defendant no. 13, who shall file his written statement if he so desires.

(ii) Interim Application is disposed of with these directions with no order as to costs.

INTERIM APPLICATION NO. 324 OF 2023

8. This Interim Application has been preferred by the Original Plaintiff who seeks amendment to the Plaintiff.

9. Ms. Vyas, learned Counsel who appears on behalf of the Plaintiffs/Applicants, states that considering the subsequent events that have transpired after the filing of the said application and in particular orders passed by this Court, she seeks liberty to withdraw the said Interim Application with leave to file the same afresh after making appropriate corrections to the schedule of amendment sought therein.

10. Considering this, Interim Application is permitted to be withdrawn with liberty as sought.

11. Interim Application is disposed of as withdrawn.

12. Place these matters for further consideration on 15th April 2026.

(FARHAN P. DUBASH, J.)

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