

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 8th OF MAY, 2024

MISC. PETITION No. 7174 of 2023

BETWEEN:-

**HASSAN ALI KHAN S/O SHRI MOHAMMAD AAMIR
KHAN, AGED ABOUT 23 YEARS, H.A. N.R.I. COLONY
KOH E FIZA BHOPAL (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ARUN KUMAR PANDEY - ADVOCATE)

AND

- 1. ASLAM GANI PATRAWALA (SINCE DECEASED)
THROUGH HIS LEGAL REPRESENTATIVES SMT.
RUBINA ASLAM PATRAWAL W/O LATE ASLAM
GHANI PATRAWALA 7A/703 BARSOWA FORTUNE 59
CHS LTD. NEW MAHADA COMPLEX
LOKHANDWALA CIRCLE ANDHERI WEST
MUMBAI (MAHARASHTRA)**
- 2. KUMARI FIRDOUS ASLAM PATRAWALA D/O LATE
ASLAM GHANI PATRAWALA, AGED ABOUT 34
YEARS, R/O 7A/ 703, BARSOWA FORTUNE 59, CHS
LTD, NEW MAHADA COMPLEX LOKHANDWALA
CIRCLE ANDHERI WEST MUMBAI 400053
(MAHARASHTRA)**
- 3. ABDUL GANI ASLAM PATRAWALA S/O LATE
ASLAM GANI PATRAWALA, AGED ABOUT 27
YEARS, R/O 7A/703 BARSOWA FORTUNE 59 CHS
LTD, NEW MAHADA COMPLEX LOKHANDWALA
CIRCLE ANDHERI WEST MUMBAI 400053
(MAHARASHTRA)**
- 4. MUHAMMAD AAHIL ASLAM PATRAWALA S/O
LATE ASLAM GANI PATRAWALA, AGED ABOUT 7
YEARS, OCCUPATION: THROUGH HIS MOTHER
SMT RUBINA ASLAM PATRAWALA W/O LATE
ASLAM PATRAWALA R/O 7A/ 703 BARSOWA
FORTUNE, 59, CHS LIMITED NEW MAHADA
COMPLEX LOKHANDWALA CIRCLE ANDHERI
WEST MUMBAI 400053 (MAHARASHTRA)**

5. MOHAMMAD IJHAN PATRAWALA S/O LATE ASLAM GANI PATRAWAL BRIDGET OCCUPATION: ABOUT FOUR YEAR THROUGH HIS MOTHER SMT RUBINA ASLAM PATRAWALA W/O LATE ASLAM GANI PATRAWALA R/O 7A/703 BARSOWA FORTUNE 59 CHS LIMITED NEW MAHADA COMPLEX LOKHANDWALA CIRCLE ANDHERI WEST MUMBAI 400053 (MAHARASHTRA)
6. STATE OF MP THROUGH COLLECTOR, RAISEN, (MADHYA PRADESH)
7. SARDAR JASWEER S/O LATE SHRI MACHHCHHI SINGH, AGED ABOUT 58 YEARS, R/O E-3/26 ARERA COLONY BHOPAL (MADHYA PRADESH)
8. BALWANT SINGH S/O LATE SHRI MACHHCHHI SINGH, AGED ABOUT 64 YEARS, R/O E-3/26 ARERA COLONY BHOPAL (MADHYA PRADESH)
9. NANAK SINGH S/O LATE SHRI MACHHCHHI SINGH, AGED ABOUT 61 YEARS, R/O E-3.26 ARERA COLONY BHOPAL (MADHYA PRADESH)
10. SMT AMARJEET KAUR W/O LATE SHRI NARENDRA SINGH, AGED ABOUT 60 YEARS, R/O E-3/ 26 ARERA COLONY BHOPAL (MADHYA PRADESH)
11. SMT SIMRANJEET KAUR D/O LATE SHRI NARENDRA SINGH, AGED ABOUT 30 YEARS, R/O E-3/26 ARERA COLONY BHOPAL (MADHYA PRADESH)
12. GAGANDEEP SINGH S/O LATE SHRI NARENDRA SINGH, AGED ABOUT 28 YEARS, R/O E-3/26 ARERA COLONY BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI ANURAG GOHIL - ADVOCATE)

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This petition coming on for admission this day, the court passed the following:

ORDER

Petitioner is aggrieved of the order dated 21.11.2023 passed in RCSA

No.33/2022 by the learned Court of First Civil Judge, Junior Division Gauharganj, District Raisen allowing an application on behalf of respondents No. 3 to 8, who implead them as a party only on the strength of a pendency of a Second Appeal before the High Court bearing S.A. No.946/2019.

It is submitted that this Second Appeal has been dismissed by the High Court and, therefore, respondents herein have no interest in the said property which is in regard to which suit has been filed.

Shri Anurag Gohil submits that SLP is filed against the order of dismissal of the Second Appeal, if any favourable order is passed, then the respondents be granted liberty to file a fresh application under Order 1 Rule 10 of CPC before the Trial Court.

In view of such fair submission, impugned order is set aside. However, liberty is reserved in favour of defendants No.3 to 8 to file a fresh application as and when any favourable order is passed by the Supreme Court in SLP or a fresh cause of action arises at that point of time.

Now the names of the defendants No.3 to 8 be deleted from the array of the respondents.

In above terms, petition is allowed and disposed of.

(VIVEK AGARWAL)
JUDGE

MTK