

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10030 OF 2015**

**The Abhyuday Nagar Shree Ram
co-operative Housing Society & Ors.**

..Petitioners

Vs.

Ornate Housing Pvt Ltd.

..Respondent

**WITH
WRIT PETITION NO.10031 OF 2015**

**The Abhyuday Nagar Suruchi
co-operative Housing Society & Ors.**

..Petitioners

Vs.

Ornate Housing Pvt Ltd.

..Respondent

Mr. S. U. Kamdar Senior Advocate a/w Mr. Suraj Iyer a/w Mr. Mehul Hiremath i/b M/s. Ganesh & Co. for the Petitioners in both the Petitions

Mr. P. S. Dani Senior Advocate i/b Mr. Harshad Rajeshirke for the Respondent No.1 in both the Petitions

Mr. Appasaheb Desai for the Respondent No.2 in both the Petitions

Mr. Dhawal Mehta a/w Ms Shachi Udeshi i/b Wadia Ghandy & Co. for the Respondent No.3 in both the Petitions

**CORAM : R. M. SAVANT, J.
DATE : 15th OCTOBER, 2015**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the common order dated 7-10-2015 passed by the Learned Judge of the City Civil Court,

Greater Mumbai, by which order the Chamber Summonses filed on behalf of the Petitioners in both the Petitions for their impleadment in the Suit in question being S. C. Suit No.2098 of 2015, came to be rejected.

2 After arguing for sometime, the Learned Senior Counsel Mr. Dani appearing for the Respondent No.1 / Plaintiff on instructions of the Advocate on record Mr. Rajeshirke who is instructed by a Director of the Respondent No.1 Mr. Vijay Machindar who is personally present in Court makes a statement that the Respondent No.1 has no objection to the one of the societies amongst the Applicant societies to be joined as a party Defendant to the Suit, as representing the Applicant societies who have accepted the Defendant No.2 Keystone Realtors Pvt Ltd., as developers.

3 Upon this, the Learned Senior Counsel appearing for the Petitioners i.e. Applicants in the Trial Court, Mr. Kamdar on instructions of the representative of the attorneys of the Petitioners Mr. Suraj Iyer, makes a statement that one Sankalp Siddhi Co-operative Housing Society, the Applicant in Chamber Summons No.1748 of 2015, would represent the similarly situated societies i.e. the societies who have chosen the Keystone Realtors Pvt Ltd. as developers.

4 In view of the statement made by the Learned Senior Counsel on

either side, the impugned order would stand set aside and would be substituted by the following :

(i) The Respondent No.1 would array the said Sankalp Siddhi Co-operative Housing Society as a party Defendant to the Suit. Amendment to be carried out within two days

(ii) The said Sankalp Siddhi Co-operative Housing Society would represent similarly situated societies who have chosen the said Keystone Realtors Pvt Ltd., as developers. Hence in so far as societies who have made the choice of the said Keystone Realtors Pvt Ltd, it is clarified that no other society would be entitled to join as a party Defendant to the Suit unless special circumstances are made out for the same.

(iii) The Trial Court to hear the Notice of Motion in question for ad-interim reliefs on 21-10-2015, at the time convenient to the Trial Court.

(iv) The Learned Senior Counsel appearing on behalf of the Petitioners / Applicants and now the newly added Defendant on instructions states that the newly added Defendant would proceed with the hearing of the Notice of Motion on 21-10-2015. Affidavit in reply to the Notice of Motion to be filed and served on or before 20-10-2015. The Trial Court to consider the Notice of

Motion on merits after giving reasonable opportunities to the parties.

5 With the aforesaid directions, the Writ Petitions are disposed of.

6 The parties to act upon a copy of this order duly authenticated by
the Court Associate / Shirestedar.

[R.M.SAVANT, J]