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

**CHAMBER SUMMONS NO. 325 OF 2012
IN
SUIT NO. 2511 OF 2007**

Manjula S. Chauhan	...Plaintiff
Vs.	
G.A. Builders Pvt. Ltd. & Ors.	...Defendants
And	
Mr. Ravikiran Badiker & Ors.	...Respondents
	(Proposed Defendant Nos. 5 to 10)

Mr. Cherin Lapashia i/b. Niranjana & Co. for the Plaintiff
Mr. A.C. Tamhane i/b. Tamhane & Co., for Defendant No.2
Ms. Tejaswini Bhakare i/b. Vidhi Partners for Defendant No.1
Mr. Amit Potnis for Respondent Nos. 1 to 4

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 8TH APRIL, 2015**

P.C. :

1. The plaintiff has taken out this chamber summons for amendment of the plaint. The plaintiff seeks to add various paragraphs in the plaint which relate to the cause of action as also various paragraphs which do not relate to the cause of action in the suit and the consequent reliefs sought by the plaintiff in the plaint.
2. The suit is essentially in respect of redevelopment of the suit building under the development agreement dated 30th

May, 2006, which the plaintiff has sought to be declared void and which the plaintiff seeks not to be acted upon.

3. The building has been redeveloped. There are 30 members. 29 members have occupied the redeveloped structure. The occupation certificate is not obtained. The plaintiff does desire to occupy his flat unless the occupation certificate is obtained.
4. The plaintiff has sought amendments with regard to the reconstruction of the suit building. The plaintiff has also made grievance about election of defendant No.2 society, and has sought to add certain paragraphs of the affidavit of defendant Nos. 5 and 6 in his amended plaint. The plaintiff has further made averments with regard to the office bearers of the defendant No.2 society and the meetings which are to be held as also the collusion between the defendant Nos. 1 and 2.
5. The aforesaid, except the first stated averment, are wholly extraneous to the cause of action and are irrelevant to decide the relief with regard to the development agreement dated 30th May, 2006. Part of the amendments which deal with the reconstruction of the building and the act of defendant No.1 in forging certain documents about the FSI of the building would relate to the cause of action and the ultimate relief of declaration sought in the plaint with regard

to the development agreement dated 30th May, 2006.

6. Consequently the amendments are required to be partially allowed.
7. The **portion of the schedule** to the chamber summons **which is required to be allowed is bracketed in red**. It is clarified that following amendments are allowed:
 1. III(a) to (e), (h to i part) and (k) to prayer (g).
 2. The plaintiff shall carry out amendments within 2 weeks in the plaint as also in the copy of the plaint served upon the defendants.
 3. Further defendants are not allowed to be joined as they are neither proper nor necessary parties, they being committee members of defendant No.2 society.
 4. Chamber Summons is disposed off accordingly.

(ROSHAN DALVI, J.)