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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.308 OF 2014

IN

SUIT NO.1680 OF 2005

Mohammed Zakir Oomer and 5 Ors. ...Applicants/Plaintiffs

vs

Samrathmal Phoolchandra Seth And 2 Ors. ...Defendants.

And

M/s. Housing Development Infrastructure Ltd. & Anr. ...Respondents

.....

Mr. D.H. Mehta, i/b. J.P. Singh, for the Plaintiffs.

Mr. Sahil Gandhi, i/b. Markand Gandhi & Co., for Defendant No.1.

Mr. S.V. Doijode, a/w. Ms. Mrinalini Rajpal and Mr. Rushad Parbhoo, i/b. Doijode Associates, for Defendant Nos. 2 and 3.

.....

CORAM : S.C. GUPTE, J.

DATED : NOVEMBER, 24, 2015

P.C. :

. This Chamber Summons seeks to bring the Respondents on record. The Respondents are claimed to be assignees of the property, which is the subject matter of the present suit, through Defendant No.1 herein. The Chamber Summons, accordingly, seeks to incorporate averments concerning the purported deeds of assignment and also seeks a declaration regarding invalidating of the deeds. The Chamber Summons is on the footing that the Plaintiffs learnt about these assignments in November 2011. There is a delay of 740 days in taking out the Chamber Summons. The delay is sought to be explained in the affidavit in support of the

Chamber Summons. As joinder of the Respondents as party Defendants is necessary since in the facts of the case no efficacious relief can be granted in the suit without joining them, the Chamber Summons is allowed in terms of prayer clauses (a) and (b). It is clarified that the joinder of the Respondents as party Defendants herein shall not, in any way, prejudice the rights and contentions of Defendant Nos. 2 and 3 in their own Suit, namely, Suit No.783 of 1987. Respondent Nos. 2 and 3 herein have moved a Chamber Summons in that suit for impleadment as Defendant Nos. 2 and 3 in that suit. The joinder of Respondents in the suit herein shall not prejudice the contentions in that Chamber Summons as well. Amendment to be carried out within two weeks from today. Amended copies of plaint as well as writ of summons be served on the newly added Defendants with returnable date as 18 January 2016.

(S.C. GUPTE, J.)