

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

**CHAMBER SUMMONS NO.1156 OF 2015
IN
SUIT NO.703 OF 2013
ALONGWITH
NOTICE OF MOTION NO.975 OF 2014
AND
NOTICE OF MOTION NO.1296 OF 2014
IN
SUIT NO.769 OF 2014
AND
NOTICE OF MOTION NO.27 OF 2015
IN
SUIT NO.973 OF 2014**

Bell Finvest (India) Limited	...	Applicant/Plaintiff
Versus		
Subani Mahaboob Shaikh and Others	...	Defendants

Mr. Kishore V. Tembe for the Plaintiff.
Mr. Pankaj S. Shah for the Applicant in Notice of Motion No.975 of 2014.

CORAM : S.C.GUPTE, J.

DATE : 17 SEPTEMBER 2018

P.C. :

Notice of Motion No.975 of 2014

2 By this Notice of Motion, the Applicant, who is a third party and who
claims to be an agreement purchaser under Defendant No.1 herein seeks
impleadment to the suit. The suit is filed by the Plaintiff for foreclosure of
a mortgage.

3 The cause of action for the Applicant herein as an agreement purchaser is different from and foreign to the controversy in the present suit. The applicant may seek an independent remedy. The court is informed that there is an independent proceeding pending between the parties concerning the same property, namely, Suit No.769 of 2014. In the interest of justice, though the two suits with their interlocutory applications may be heard together, there is no merit in the request for impleadment.

4 Accordingly, Notice of Motion is dismissed.

5 Suit No.769 of 2014 shall be heard along with the present suit.

6 In the companion Chamber Summons, namely, Chamber Summons No.1156 of 2015, none appears for the Applicant, who is also similarly placed third party. As a last chance to the Applicant, that Chamber Summons is adjourned to 8 October 2018.

(S.C. GUPTE, J.)