

mm

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

**CHAMBER SUMMONS NO. 579 OF 2014  
IN  
SUIT NO. 1144 OF 2000**

Union of India  
through Deputy Salt Commissioner ...Applicants

In the matter between:

Union of India ...Plaintiffs

Vs.

Suresh jayantilal Thanawala & Ors. ...Defendants

And

Mumbai Metropolitan Region Development  
Authority. ...Respondents

Mr. S.R. Rajguru a/w. Mr. Avarma for the Plaintiff / Union of India  
Mr. Aditya Thakkar, a/w. Mr. Deepak Shukla  
i/b. Vinod Mistry & Co., for Defendant Nos.9(a) to 9(i)  
Ms. Megha M. i/b. Purananda & Co., for Defendant Nos. 1 & 2  
Mr. Vachan Bodke a/w. Ms. Madhu Hiraskar  
i/b. Chitnis Vaithy for Defendant Nos. 4 to 7 and 9 to 10

**CORAM : MRS. ROSHAN DALVI, J.  
DATED :4<sup>TH</sup> FEBRUARY, 2015**

**P.C. :**

1. The The chamber summons has been served upon the MMRDA.
2. The plaintiff has sought to implead Maharashtra Metropolitan

Regional Development Authority (MMRDA) as a party defendant. A part of suit land has been acquired by the MMRDA as the acquiring body for the Monorail project. Compensation would be required to be granted to the owner of the property. The plaintiff's suit is for declaration of ownership. Defendant Nos. 1 to 10 claim ownership. The names of some of the defendants are shown in the property register card. Those entries are challenged by the plaintiff. The compensation amount already deposited would be paid to whoever is shown on the Revenue records. That would cause irreparable damage to the plaintiff. The plaintiff's suit is on title. The plaintiff would need to obtain reliefs against the acquiring body.

3. Advocate on behalf of defendants 4, 7, 9 & 10 makes a statement that pending the suit these defendants would not claim or receive compensation. Advocates for defendant Nos. 9A to 9(e) makes no such statement. Defendants 1 to 3 and 8 are not represented. Order with regard to the payment or nonpayment of compensation would be required to be passed in respect of all the defendants. The plaintiff has issued notice to the MMRDA not to make payment. The MMRDA has informed the plaintiff of the names of certain parties who are shown as owners and have inquired whether they have been made party defendant in this suit. The MMRDA is a necessary and proper party to the suit. Much would depend upon the compensation being paid to the defendants by MMRDA.

4. Hence the chamber summons is made absolute in terms of prayers (a) and (b).
5. The plaintiff shall amend the plaint within two weeks and also the copies of the plaint served upon the other defendants within two weeks.
6. The plaintiff shall serve the amended writ of summons upon MMRDA as defendant No.12 in the suit.
7. The defendant Nos. 1,4 to 7, 9 & 8 as also defendant Nos.9A to 9I apply for leave to file additional written statements. These defendants shall be entitled to file additional written statement, if any, within 30 days of their copy of the plaint being amended.
8. Chamber summons is disposed off accordingly.

**(ROSHAN DALVI, J.)**