

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 872 OF 2015
IN
SUIT NO. 2757 OF 2011**

M/s. Nisarg Viniyog & Properties Pvt. Ltd.	...Applicant
<i>In the matter between</i>	
Devendra Rao	...Plaintiff
<i>Versus</i>	
Jayanti Narayan Poojary & 7 Ors.	...Defendants

Mr. S. Bhatia, i/b Legal Chartered, for the Applicant.
Mr. R. Khobragade, for the Plaintiff.

CORAM: G.S. PATEL, J
DATED: 22nd September 2015

PC:-

1. I am unable to understand how this Chamber Summons was allowed to be numbered. There is an objection taken on 18th June 2015, and quite correctly, to the manner in which the parties have been shown in the title of the Chamber Summons. In the title to the Chamber Summons, the sole Defendant to the Suit has been shown as the Plaintiff; the six Plaintiffs have been shown as Defendants; the Applicant has been shown as Defendant No. 7; and the Court

Receiver is shown as Defendant No. 8. This is entirely incorrect. It is not possible to proceed with the matter which is filed in this manner.

2. Leave to the Applicant to withdraw the Chamber Summons with liberty to adopt fresh proceedings. The Chamber Summons is disposed of in these terms.

(G. S. PATEL, J.)

CERTIFICATE

"Certified to be a true and correct copy of the original signed Judgment/Order."