

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

**CHAMBER SUMMONS NO. 1107 OF 2014
IN
SUIT NO. 896 OF 2003**

Smt. Daiben P. Parmar & Ors.

.. Applicants

In the matter between :

Smt. Daiben Pitamber Parmar & Ors.

.. Plaintiffs

Vs.

Kalidas Kanji Satwara
(since deceased) & Ors.

.. Defendants

And

Guru Shraddha Co-operative Housing
Society Ltd.

.. Respondent
(Proposed deft.no.7)

Mr.M.S. D'Mello for applicants-plaintiffs.

None for defendants.

**CORAM : K.R.SHRIRAM, J.
DATED : 6TH OCTOBER, 2015**

P.C.

1 This chamber summons is to bring on record respondent as defendant no.7. The counsel for the plaintiffs states that copy of this chamber summons has been served on all the defendants and the respondent and has filed affidavit of service of one Roshan Jha, affirmed on 9.03.2015.

2 I have perused the affidavit in support. In the suit, the main reliefs

sought is to declare that the plaintiffs are the absolute owners of the suit property of the suit property; to declare the Deed of Conveyance dated 4.09.1978 alleged to have executed by the Predecessor in title of the plaintiffs in favour of defendant no.1 is null and void; to declare the Deed of Conveyance dated 27.12.2001 executed by defendant no.1 in favour of defendant no.3 is null and void and to restrain defendant nos.1, 3 and 4 from dealing with the suit property. The plaintiffs are also seeking to evict defendant nos.1, 3 and 4 from the suit property and for other reliefs.

3 According to the affidavit in support, after the suit was filed, defendant nos.3 and 4 have constructed a building in the suit property/suit land without having any right, title and interest in the suit land and have thereafter sold their alleged rights in the suit land together with the rights in the flats constructed by them in the said building in the suit land to the members of the respondent-society. It is also stated that respondent-society, therefore, is required to be added as party defendant as society is proper and necessary party.

4 The defendants and the respondent, though served, have not filed any reply. Looking at the reliefs sought in the plaint, it is true that any order that will be passed in the suit will affect the interest of the respondent-society

and its members. It is, therefore, it is necessary that the respondent-society is also added as party defendant.

5 In the circumstances, the chamber summons is allowed in terms of prayer clause (a). The plaintiffs to carry out the amendment within two weeks from today and serve the amended plaint upon the defendants including newly added defendant. The defendants to file their written statement/additional written statement within three weeks of receiving the amended plaint. The chamber summons disposed of accordingly.

6 The suit to be listed for framing of issues on 15.12.2015. In the meanwhile, parties to file their respective affidavit of documents and also complete discovery and inspection.⁹

(K.R. SHRIRAM, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
order/judgment.