

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS (L) NO. 1906 OF 2015
IN
SUIT (L) NO. 411 OF 2015**

Hoshang Merwanji Baria	...Plaintiff
<i>Versus</i>	
The City Survey Officer & 4 Ors.	...Defendants
<i>And</i>	
Sachin Shripad Chafekar	...Applicant.

Mrs. A. Y. Purav, *for the Plaintiffs.*
Mr. B. Mehta, AGP, *for Defendants Nos. 1 to 3.*
Mr. P.V. Nichani, *i/b M/s. P.V. Nichani & Co., for Defendant No. 6*
Mr. P.J. Thorat, *for Defendant No. 5.*
Ms. S. Sarnaik, *for Applicant in Chamber Summons (L) No. 1906 of 2015.*

CORAM: G.S. PATEL, J
DATED: 28th October 2015

PC:-

1. This is a Chamber Summons by a third party seeking impleadment as Defendant. The dispute relates to a substantial property at Bandra of about 1371 sq. yds., Plot No. 212-C, CTS No. B/765, B.J. Road, Bandra (West). There is a structure on this

known as Dhondi House. The Applicant claims to have acquired an interest in this property. I am, at this stage, not assessing whether or not the documents on which the Applicant bases his claim are genuine or should be disregarded. It is sufficient to note that the Applicant was persuaded to act on the basis of an alleged conveyance dated 15th November 2014 and to part with a substantial amount of Rs. 2,39,00,000/- on that basis. This alleged conveyance is squarely under challenge in the Suit itself.

2. In my view, the proper adjudication of the issues in the Suit will undoubtedly require that the Applicant be heard.
3. The Chamber Summons is made absolute in terms of prayer clauses (a), (b) and (c).
4. The Applicant to be joined as Defendant No. 7. The Plaintiff to amend the plaint without need of reverification. It is not necessary for the Plaintiff to make any further averments in relation to 7th Defendant in the body of the plaint. The amended cause title of the Suit will be served on the Advocates for the respective parties.
5. There is a pending Notice of Motion No. 1271 of 2015. The cause title of that Notice of Motion will also be similarly amended. The entire amended Motion and the plaint are to be served on the Advocate for newly added 7th Defendant as also on Mr. Thorat for Defendant No. 5 during the course of tomorrow.

6. All Affidavits in Replies to be filed and served, if not already done, by 20th November 2015. Affidavit in Rejoinder, if any, to be filed and served on or before 27th November 2015.

7. List the matter for hearing and final disposal on 5th December 2015.

(G. S. PATEL, J.)