

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 47 OF 2011
IN
SUIT NO. 438 OF 1951

Mrs. Sudhabai Narsingrao Pupala and others ...Plaintiffs
Versus
Narsubai Shankerrao Pupala and others ...Defendants

Ms. Meghna R. Mehta, *i/b M/s Shah and Sanghavi for the Plaintiffs.*
Mrs. R.C. Nichani, *i/b B.G. Saraf for Defendant No.1(b).*

CORAM: G.S. PATEL, J
DATED: 21st September 2016

PC:-

1. The application is for joining of two heirs of the deceased as Plaintiff No.1 (b) (i) and Plaintiff No.1(b) (ii). It is filed by M/s. Kadam and Company seeking that these two Applicants be impleaded as Plaintiffs; the Plaintiffs are separately represented by M/s. Shah and Sanghvi. Clearly this is not possible. It would result in the original Plaintiffs, after amendment, being represented by M/s. Shah and Sanghvi and these Applicants being represented as co-Plaintiffs by M/s. Kadam and Company. Our Rules do not permit this.

2. The Suit is for partition. There is no dispute that the Applicants are the heirs of the erstwhile Plaintiff No.1(b). They may be joined as Defendants Nos.9 and 10 to the present Suit.

3. It is clarified that this order does not mean that the Plaintiff has given up her claim or contention that the Applicants have no share, right, title and interest in the property in question. It is also entirely without prejudice to the rights and contentions of the Plaintiff in any testamentary instrument that is being propounded and in respect of which any order is obtained.

4. The newly added Defendants will be entitled to obtain ordinary copies of the proceedings on their own costs.

5. The Applicants are not entitled to demand service of Writ of Summons since they have been impleaded on their own motion. They will file and serve their Written Statement on or before 14th October 2016 and no later.

6. List the Suit itself for directions on 27th September 2016, high on board.

(G. S. PATEL, J.)