

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMABER SUMMONS NO. 849 OF 2016
IN
SUIT NO. 5079 OF 1998**

Mrs. Arima w/o Rmesh Kriplani ...Plaintiff

Versus

Mrs. Meera w/o Sunil Gulati & 6 Ors. ...Defendants

Ms. Sheetal Kumar, a/w Ms. Nityoah Mehta, i/b Nityoah Suneel & Associates, for the Applicant/Plaintiff.

Ms. Geeta Sonawane, i/b Denzil D'Mello, for the Defendants Nos. 1 to 6 and 7(a) to 7(c).

**CORAM: G.S. PATEL, J
DATED: 5th October 2016**

PC:-

1. This is the Plaintiff's application for leave to effect a rather substantial amendment to the plaint in a partition suit of 1998. Several new Defendants are sought to be joined. Two of them are brothers of the Plaintiff. In a partition suit they are undoubtedly necessary parties.

2. Some of the parties have appeared before the authorities (the Joint Sub-Registrar, the City Survey Officer, Bandra, the Superintendent of Land Records) various times. There are some

documents in the custody of these authorities as well. They are therefore sought to be joined. The other amendments include necessary averments about subsequent developments.

3. Written statements have been filed by some of the Defendants. Issues are not yet settled. The trial has not commenced. I believe that this amendment is necessary to avoid multiplicity of proceedings and for the proper determination of the issues in the Suit. I will therefore allow the Chamber Summons in terms of prayer clause (a). Amendments to be carried out on or before 21st October 2016. The amendments are also to be carried out in the title of the pending Notice of Motion on or before 21st October 2016. A copy of the amended Plaintiff and Notice of Motion to be served on the newly added Defendants and on the respective Advocates for the remaining Defendants on or before 18th November 2016. Supplemental or Additional Written Statements to be filed and served on or before 13th January 2017.

4. List the Suit for framing issues on 27th January 2017.

(G. S. PATEL, J.)