

defendant no.4 had given tenancy right in Raitan, 15, Worli Seaface, Mumbai – 400 025 (said premises) to Rohan Bimal Parekh, proposed defendant no.4(c) and, therefore, only defendant no.4(c) be joined as a defendant to the suit as legal heir of original defendant no.4. Mr. Merchant also agreed that the other three proposed defendant nos.4(a), 4(b) and 4(d) would file an affidavit stating that they have no right over the said premises and, therefore, only defendant no.4(c) needs to be added as defendant to the suit.

4 Today, Mr. Merchant tenders three affidavits all dated 21st October, 2016 filed by the proposed defendant nos.4(a), 4(b) and 4(d). Mr. Shroff states that these affidavits do not provide that the affiants have no claim with respect to the said premises and they will not made any claim in the said premises and only defendant no.4(c) is entitled to the said premises. Mr. Shroff further states that if such averments were made, perhaps the court could have considered only joining proposed defendant no.4(c) as legal heir of original defendant no.4.

5 At this stage, Mr. Merchant, senior counsel for the defendants states that the plaintiff may make all the four proposed

defendant nos.4(a) to 4(d) as defendants to the suit and all rights and contentions of the proposed defendant nos.4(a) to 4(d) be kept open.

6 Keeping open all rights and contentions to be raised by the proposed defendant nos.4(a) to 4(d) in their written statement, the chamber summons is allowed and accordingly disposed of in terms of prayer clauses – (a) and (c). Within three weeks the plaint to be amended and the copy of the plaint with the defendants also to be amended.

7 Mr. Merchant, senior counsel appearing for the newly added defendants, on instructions waives service of the writ of summons. The newly added defendants to file written statement and serve a copy thereof within two weeks of receiving a copy of the amended plaint. The other defendants, should they wish to file additional written statement in view of the amendments, the same to be filed within two weeks of receiving a copy of the amended plaint.

8 Stand over to 16th December, 2016 for directions.

(K.R.SHRIRAM,J)