

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

**CHAMBER SUMMONS NO. 1142 OF 2014
IN
SUIT NO. 2461 OF 2006**

Vasant L. Shah .. Applicant

In the matter between :

Bhaskartej Construction Pvt. Ltd. .. Plaintiff
Vs.
Bhalchandra Shambhoo Hedavkar & Ors. .. Defendants

**WITH
NOTICE OF MOTION NO. 813 OF 2014
IN
SUIT NO. 2461 OF 2006**

M/s. Bhaskartej Construction Pvt. Ltd. .. Applicant

In the matter between :

Bhaskartej Construction Pvt. Ltd. .. Plaintiff
Vs.
Bhalchandra Shambhoo Hedavkar & Ors. .. Defendants

**WITH
CHAMBER SUMMONS NO. 430 OF 2015
IN
SUIT NO. 2461 OF 2006**

Fatehchand K Jain .. Applicant

In the matter between :

Bhaskartej Construction Pvt. Ltd. .. Plaintiff
Vs.
Bhalchandra Shambhoo Hedavkar & Ors. .. Defendants

**WITH
CHAMBER SUMMONS NO. 881 OF 2015
IN**

SUIT NO. 2461 OF 2006

Bhaskartej Construction Pvt. Ltd. .. Applicant

In the matter between :

Bhaskartej Construction Pvt. Ltd. .. Plaintiff

Vs.

Bhalchandra Shambhoo Hedavkar & Ors. .. Defendants

And

Dipti Patil .. Respondent

Mr.Yogesh N. Adhia for plaintiff.

Mr.D.H. Mehta i/b D.M. Legal Associates for applicant in CHS/1142/2014.

Mr.Dharmesh S. Jain for applicant in CHS/430/2015.

Ms. Vidita S. Bhalekar i/b Sameer R. Bhalekar for defendant nos.1 to 4.

Mr.Rajesh Kachare a/w. Ms. Savita Sawalkar i/b Tamhane & Co. for defendant no.21.

CORAM : K.R.SHRIRAM, J.

DATE : 27TH APRIL, 2016

P.C.

CHAMBER SUMMONS NO. 1142 OF 2014

1 The chamber summons is taken out by one Vasant L. Shah to permit and allow the applicant to be impleaded as the Party defendant in the suit.

2 Shri Shah, who is the applicant herein is a Partner of defendant no.21 and has 25% share in defendant No.21. Shri Mehta counsel appearing for the applicant states that if the Partnership Firm formed under a Partnership Deed dated 8th August 2005 is a party, the Partner should also be made party defendant. Shri Aadhia appearing for the plaintiff has no objection.

3 In view of above, the chamber summons is allowed in terms of prayer clauses (a), (b) and (c).

CHAMBER SUMMONS NO. 430 OF 2015

4 The chamber summons is taken out by one Fatehchand K Jain to permit and allow the applicant to be impleaded as Party defendant.

5 Shri Jain , who is the applicant herein is a Partner of defendant no.21 and has 25% share in defendant No.21. Shri Mehta counsel appearing for the applicant states that if the Partnership Firm formed under a Partnership Deed dated 8th August 2005 is a party, the Partner should also be made party defendant. Shri Aadhia appearing for the plaintiff has no objection.

6 In view of above, the chamber summons is allowed in terms of prayer clauses (a), (b) and (c).

7 The amendments to be carried out and amended plaint to be served within two weeks. The newly added defendants to file written statement within four weeks of receiving copy of the amended plaint.

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8 The counsel for the applicant states that it is not clear whether the respondents are to be added as defendant have been served or not. The counsel states that they would serve once again within two weeks from today.

9 The chamber summons be listed for hearing after Vacation.

NOTICE OF MOTION NO. 813 OF 2014

10 The notice of motion is for setting aside the order dated 2nd August 2011 dismissing Notice of Motion No.4135 of 2006 for default. I have considered the affidavit in support and the averments contained therein.

11 In view of the averments in the affidavit in support, the order dated 2nd August 2010 is hereby recalled and the Notice of Motion No.4436 of 2006 is restored to file.

12 This notice of motion stands disposed accordingly.

(K.R. SHRIRAM, J.)