

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.550 OF 2014
IN
SUIT NO.109 OF 2013**

Mr. Y.N. NagarwalaApplicant

IN THE MATTER BETWEEN :

Chetak CHS Ltd.Plaintiff

V/s.

Sandhu Builders & Ors.Defendants

Ms. Swati Sawant i/b. S.K. Associates for the plaintiff.

Mr. Shreepat Murthy a/w. Mr. Abhishek Patil i/b. Y.C. Parikh for the applicant.

Mr. Mahendra Ghelani a/w. Mr. Parikshit Desai i/b. Mr. Vikramsingh Yadav for the defendant nos.1 to 4.

CORAM : K.R.SHRIRAM,J

DATE : 21st SEPTEMBER, 2016

P.C.:-

1 This chamber summons is taken out by the applicant to be impleaded as party defendant to the suit on the basis that the applicant is a member of the plaintiff's society and is proper and necessary party to the suit.

2 Mr. Ghelani, counsel for the defendant nos.1 to 4 states that the applicant is not proper and necessary party. The counsel for the plaintiff however, has no objection in impleading the applicant as party defendant.

3 Since the plaintiff is in carriage of proceedings and as the
plaintiff has stated that they have no objection in joining the applicant
as party defendant, the chamber summons is allowed and accordingly
disposed of in terms of prayer clause – (a).

4 The amendment to be carried out and copy of the amended
plaint to be served within two weeks from today.

5 Whichever defendant has not filed written statement
including applicant in this chamber summons shall file their written
statement and serve a copy thereof upon the plaintiff within four
weeks of receiving a copy of the amended plaint.

6 The suit be listed for issues on 28th November, 2016.

7 In the meanwhile parties to also file their respective
affidavit of documents, complete discovery and inspection and file and
exchange their statement of admission and denial with reasons for
denial.

8 At this stage, Mr. Ghelani, counsel for the defendant nos.1
to 4 states that his clients have filed a separate suit for specific

performance of the agreement which the plaintiff in the present suit is seeking termination. Mr. Ghelani, therefore, requests that that suit bearing no.345 of 2014 be also tagged alongwith the present suit since common issues and common evidence will arise. The counsel for the plaintiff has no objection.

9 In the circumstances, the suit no.345 of 2014 be also tagged alongwith the present suit for hearing on 28th November, 2016.

(K.R.SHRIRAM,J)