

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

**CHAMBER SUMMONS NO.248 OF 2016
IN
SUMMARY SUIT NO.579 OF 2013**

Parvati CorporationPlaintiff/applicant

V/s.

M/s.Myfair Housing Pvt. Ltd.Defendant

And

Mayfair HousingRespondent

Mr.Swapnil Bangur i/by Jayesh R.Vyas for plaintiff/applicant.

Mr.Nakul Jain i/by Maniar Srivastava Associates for defendant.

CORAM : K.R.SHRIRAM,J

DATE : 20.12.2016

P.C.:-

1 This chamber summons is filed to bring on record the respondent as co-defendant. The counsel for the plaintiff/applicant submits that the plaintiff was a contractor engaged by the defendant to construct certain buildings. During the course of contract, plaintiff was raising running bills and after completion of the contract also submitted final bill on 7.8.2009. The counsel for the defendant submits that time to pay as per the contract even under the final bill was 15 days which is not disputed by the plaintiff. Therefore, cause of action arisen on or about 22.8.2009. The counsel for the plaintiff also submitted that prior to filing of the suit, plaintiff had filed winding up petition in which stand was taken by the defendant whereby it appears that other than the defendant even the respondent was

liable to make payment. If that was the case, I see no reason why the respondent was not added when the suit was filed as a co-defendant. Be that as it may, the plaintiff is also, by the proposed amendment, seeking a decree against the respondent.

2 Therefore, it is quite obvious that even if the plaintiff filed independent suit against the respondent today, the suit will be barred by limitation as the cause of action, as stated earlier, arose on or about 22.8.2009. Therefore, I am not inclined to entertain the chamber summons. Chamber summons dismissed.

(K.R.SHRIRAM,J)