

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1658 OF 2016
IN
SUIT NO. 2897 OF 2006

M/s Sangeeta Constructions	...Plaintiffs
<i>Versus</i>	
Chand Coop Hsg Soc Ltd	...Defendants
<i>And</i>	
P Vijaya Kumari & Ors	... Applicants

Ms Prema Lalchandani, *i/b Sonal Doshi, for the Plaintiffs.*
Mr Mayur Khandeparkar, *a/w Mr Tushar Gujjar, i/b Solicis Lex, for*
the Applicants.
Mrs Yogini Gada, *i/b Harakchand & Co., for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 8th February 2017

PC:-

1. This Chamber Summons is pending since June 2016.

2. This is an application for impleadment. The Applicants who seek to be joined as Defendants Nos. 2 to 6 are original members of the Defendant society. Their rights would undoubtedly be affected in any settlement or dispute between the Plaintiff-developer and the Society. I see no reason to refuse the relief.

3. Since June 2016 the Plaintiff and the Defendant have repeatedly sought time for a settlement. Nothing has yet been done.

4. Irrespective of whether the Plaintiff and the Defendant want these applicants as defendants, it is within my power under Order I Rule 10 of the Code of Civil Procedure 1908 (“CPC”) to direct their addition if I think it necessary. I do. In any event, neither the Plaintiff nor the Defendant are in any way prejudiced by the addition of the Applicants as party Defendants. No rights are determined by an order allowing their impleadment.

5. The Chamber Summons is made absolute in the following terms:

(a) the Applicants are to be impleaded as party Defendants Nos. 2 to 6 to the Suit;

(b) the Plaintiff will carry out necessary amendment by 13th February 2017 without need of reverification.

6. Mr Khandeparkar waives service of Writ of Summons for the newly added Defendants. He confirms that he has copies of plaint and other papers.

7. Liberty to the newly added Defendants to file a separate Notice of Motion for interim relief including for the appointment of Commissioner to inspect the society premises and report on the development work done so far. .

8. Prayer (b) is for an order expediting the Suit. That prayer is not considered today. Parties will be at liberty to apply for an order of expeditious hearing at any later stage.

9. Chamber Summons disposed of in these terms, with no order as to costs.

(G. S. PATEL, J.)