

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

CHAMBER SUMMONS (L) NO. 1001 OF 2017

IN

SUIT NO. 624 OF 2016

Bharat Shah

.. Applicant

In the matter between

Dhirubhai alias Dhirajlal H. Desai & Ors.

.. Plaintiffs

v/s.

Lataben Abuwalla & Ors.

.. Defendants

Mr. Rajiv Narula i/b M/s. Jhangiani Narula & Associates for the applicant

Mr. Snehal Shah a/w Ms. Bindi Dave & Mr. Ieshan Sinha ib Ms. Wadia Ghandy & Co. for the plaintiffs

Mr. Satchit Bhogale i/b M/s. Hariani & Co. for defendant nos. 1, 5 and 9

Mr. Anirudha Hariani i/b Mr. Kalpesh Joshi for defendant nos. 2 and 10

Mr. Karan Thorat i/b Mr. V.V. Thorat for defendant no. 13

CORAM : M.S. SANKLECHA, J.

DATED : 15th SEPTEMBER, 2017

PC.

1. This Chamber Summons has been taken out by the third party in Administration Suit, seeking to be impleaded as a defendant therein and in all pending interlocutory applications. Besides, the Chamber Summons also seeks vacation of ad-interim and interim

reliefs granted in favour of the plaintiffs.

2. Mr. Shah, learned Counsel appearing for the plaintiffs states that he has no objection to the prayer clause (a) being allowed that is the applicant being impleaded as a party defendant to the present suit. However, so far as the other prayers are concerned, the same cannot be considered / adjudicated upon by way of a Chamber Summons as the application does not fall within Rule 121 of the Bombay High Court (Original Side). According to him a Notice of Motion would be the appropriate remedy for the applicant to adopt after he is made a party defendant in the suit proceedings.

3. Mr. Narula, learned Counsel appearing for the applicant states that he would take out a Notice of Motion for the other relief claimed herein after he is added as a party to the present suit.

4. This Chamber Summons is allowed in terms of prayer clause (a). The plaintiff is allowed to forthwith carry out the amendment in the plaint and all interim applications as re-verification is dispensed with. Amended copy of the plaint and all proceedings in the suit as

amended to be served upon the defendants including the newly added defendant, within 12 days from today.

5. The Chamber Summons is disposed of in above terms. No order as to costs.

(M.S. SANKLECHA, J.)