

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

**CHAMBER SUMMONS NO.774 OF 2017
IN
SUIT NO.452 OF 2017**

Janam Co-operative Housing Society Limited .. Applicant
Proposed defendant no.9

In the matter between
Shri Jogeshwari Achalgachha Jain Sangh & Ors. .. Plaintiffs
Vs.
M/s.Nisar Properties Pvt. Ltd. & Ors. .. Defendants

Mr.P.M.Shah a/w Mr.Devendra Udani for the plaintiffs.
Mr.Tejas Gokhale i/by Mr.Ashok Purohit & Co. for the applicant in
chamber summons (original defendant no.9).
Mr.Vyam Shah a/w Ms.Dipti Das i/by M/s.Divya Shah & Associates
for the defendant nos.1, 2, 3 & 8.
Mr.Bhavin Bhatia for the defendant no.6.

**CORAM : R.D. DHANUKA, J.
DATE : 6th November 2017**

P.C.:

. Heard learned counsel appearing for the parties.

2. By this chamber summons, the applicant-society seeks impleadment as party-defendant to the suit filed by the plaintiff inter alia praying for a declaration that Agreement for Sale dated 10th April 2003 executed by the defendant no.6 in favour of the plaintiff no.1 in respect of the suit property is valid, binding and subsisting on the defendant nos.1 to 6. It is the case of the applicant-society that if any order is

passed by this Court in this suit, interest of the society would be seriously prejudiced.

3. In my view, the contention raised by the applicant-society is correct. After perusing the prayers in the plaint, I am of the view that any order passed by this Court, if any, in this suit in terms of prayers prayed by the plaintiff would affect the rights of the applicant-society. The applicant-society is thus necessary party to the suit.

4. Chamber summons is made absolute in terms of prayer clause (a) and (b). Amendment to be carried out within two weeks from today by the plaintiff.

5. It is made clear that merely because the amendment is allowed by this Court as prayed by the plaintiff, the merit of the matter is not decided. Ad-interim protection granted by this Court on 5th May 2017 to continue till further orders. Hearing of the motion is expedited.

R.D. DHANUKA, J.