

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

**CHAMBER SUMMON NO.1068 OF 2014
WITH
NOTICE OF MOTION NO.491 OF 2014
IN
SUIT NO.294 OF 2014**

Tulsi Parmanand JashnaniApplicant

IN THE MATTER BETWEEN :

Shreeji Krupa Hotels & Properties Pvt. Ltd. & Ors.Plaintiffs

Vs.

Rosy John Gomes and Ors.Defendants

Mr. Pesi Mody, senior advocate a/w. Mr. Nirav Shah and Ms. Radhika Shah i/b. Little and Co. for plaintiffs.

Ms. Bhumika Gada i/b. Arvind Manchirmalani for defendant nos.1 to 9 and 12.

Mr. Vipul Shukla i/b. J.R. Vyas for defendant nos.13 and 14.

Mr. Naushad Engineer a/w. Mr. Deepak Shukla i/b. M/s. Vinod Mistry and Co. for applicant in CHS/1068/2014.

CORAM : K.R.SHRIRAM, J.

DATE : 4th JULY, 2017

P.C.:

CHAMBER SUMMON NO.1068 OF 2014

1 This chamber summons is taken out by applicant to join as party defendant to the suit.

2 It is the case of applicant that some of defendants have alienated their share in the property to applicant and therefore, applicant is also entitled to be joined as party defendant.

3 Mr. Mody, senior counsel for plaintiffs states that plaintiffs are also claiming title to the same property by virtue of decree passed in favour of plaintiffs in 1982-1983. At the same time, Mr. Mody further states that plaintiffs have no objection to the relief as sought in this chamber summons being granted without prejudice to the rights and contentions of plaintiffs to be raised at the appropriate stage.

4 In view thereof, the chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a) and (b), keeping open the plaintiffs' rights and contentions.

5 Amendment to be carried out and copy of the amended plaint to be served within four weeks from today.

6 Mr. Engineer, counsel for applicant waives service of writ of summons.

7 Written statement/further written statement to be filed and copy served within four weeks of receiving copy of the amended plaint.

8 Ms. Gada, counsel for defendant nos.1 to 9 and 12 states that their records are not traceable and they need to reconstruct the records. Mr. Modi states that his instructing advocates will provide a photocopy of the pleadings and the orders passed upon payment of photocopying charges.

9 The notice of motion no.491 of 2014 and notice of motion no.401 of 2014 in suit no.818 of 1983 to be listed for hearing on 24th August, 2017.

(K.R. SHRIRAM, J.)