

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****CHAMBER SUMMONS NO. 1050 OF 2017****IN****SUIT (L) NO. 554 OF 2017****Mohan Hargovind Harde & Anr.****..... Interveners/
Applicants****IN THE MATTER BETWEEN****Satsang Bharati Co-operative Housing
Society Limited****..... Plaintiff****VERSUS****Prima Terra Buildtech Private Ltd.
(formerly known as Roha Infrastructure
Developers Pvt.Ltd.) & Ors.****..... Defendants**

Mr.Sidharth Samantaray, i/b. Mr.Yogesh C.Naidu for the
Plaintiff/Respondents in CHS.

Mr.Govind Pawar for the Applicant in CHS.

Mr.Sandeep Waghmare, ASD Associates for the Defendant no.1.

CORAM : R.D.DHANUKA, J.**DATE : 24th NOVEMBER, 2017****P.C.**

By this chamber summons filed by the applicants who are ex-chairman and ex-secretary of the plaintiff society seek their impleadment in the suit filed by the society *inter alia* praying for a declaration that the society is lawfully entitled to proportionment rights for the additional FSI as per the terms and conditions of the

development agreement entered into between the society and the developer and for other reliefs.

2. It is submitted by the learned counsel for the applicants that the plaintiff society is not taking appropriate steps to pursue the Suit (L) No.554 of 2017 filed against the developers and thus the applicants who are ex-committee members shall be impleaded in the suit.

3. Learned counsel for the original plaintiffs submits that the society had already filed a notice of motion being (L) No.2099 of 2017 in the said suit for the interim relief and are pursuing the said notice of motion seriously. Statement is accepted.

4. In my view, the applicants are neither necessary nor proper parties to the society. If the applicants have any personal grievance against the present managing committee, the same cannot be sorted out in these proceedings. The applicants can file independent proceedings. Chamber Summons is accordingly dismissed.

5. Place Notice of Motion (L) No.2099 of 2017 on board for hearing on **14th December,2017**.

(R.D.DHANUKA, J.)