

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS (L) NO. 1371 OF 2017
IN
SUIT (L) NO. 467 OF 2017

**Ramaniya Co-operative Housing
Society Limited**

..... Applicants

IN THE MATTER BETWEEN

**Ramaniya Co-operative Housing
Society Limited**

..... Plaintiffs

VERSUS

Anil Ganesh Gavde & Ors.

..... Defendants

Mr.Vishal Kanade, a/w. Mr.Prayag Joshi, i/b. Mr.Bipin Joshi for the Applicants in CHS/Original Plaintiffs.

Mr.Mayur Shikhare, i/b. Mr.Deepak Jamsandekar for the Defendant no. 1.

CORAM : R.D.DHANUKA, J.

DATE : 16th NOVEMBER, 2017

P.C.

Mr.Kanade, learned counsel appearing for the applicants states that the respondents who are sought to be impleaded as party defendants as defendant nos. 6 to 9 are served and undertakes to file affidavit of service within one week from today. Undertaking is accepted.

2. Learned counsel appearing for the defendant no.1 states that name and address of his client is not correctly described in the plaint,

notice of motion as well as in the chamber summons. Mr.Kanade, learned counsel for the applicants agrees to correct the name and address of the defendant no.1 in the plaint, notice of motion and also in the chamber summons within one week from today. Leave to amend is granted. Amendment to be carried out within one week from today.

3. None appeared for the respondents when the matter was called out. By this chamber summons the applicants seeks to implead respondents as defendant nos. 6 to 9. It is the case of the applicants that when the notice of motion appeared before this court on 12th October,2017, learned counsel for the defendant no.1 appeared and raised an objection that the respondents are also necessary parties to the proceedings. This Court accordingly directed the applicants to take appropriate steps in the matter by impleading the defendant nos. 1 to 4 as defendant nos. 6 to 9. The applicants have accordingly filed this chamber summons.

4. It is the case of the applicants that the predecessor of the respondents were parties to the transaction and thus the respondents would be necessary parties to the suit. For the reasons recorded in the affidavit in support of the chamber summons and recorded aforesaid, chamber summons is made absolute in terms of prayer clause (a). Amendment to be carried out within two weeks from today along with amendment in the name and address of the defendant no.1 as directed aforesaid. No order as to costs.

(R.D.DHANUKA, J.)