

VPH

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

CHAMBER SUMMONS No. 300 OF 2015  
IN  
PUBLIC INTEREST LITIGATION No. 128 OF 2006

|                                                     |     |                                     |
|-----------------------------------------------------|-----|-------------------------------------|
| Gamdevi Residents Association                       | ... | Petitioners                         |
| Vs.                                                 |     |                                     |
| Municipal Corporation of Greater<br>Mumbai and Ors. | ... | Respondents                         |
| And                                                 |     |                                     |
| Abhijit Sheth                                       | ... | Applicant in<br>the chamber summons |

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Mr. Zubin Kamdin a/w Hilla Boatwalla i/b Nanu Hormasjee & Co.,  
for the Petitioners.

Mr. Birendra Saraf a/w Vatsal Merchant i/b Kishore Thakordas & Co.,  
for Respondent Nos. 7 to 9.

Mr. G. W. Mattos, AGP for Respondent Nos. 5 and 6.

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CORAM : V. M. KANADE, &  
N. M. JAMDAR, JJ.

DATE : JUNE 12, 2017

PC.

1. This chamber summons is taken out for bringing on  
record the legal heirs of Respondent Nos. 7 and 8 and also to add

“Sumer Saraswati Cooperative Society”, which has been formed by the flat purchasers. The learned counsel appearing on behalf of the heirs of Respondent Nos. 7 and 8 that proposed Respondent Nos. 7A and 8A are not proper and necessary parties. He submitted that the Society is already formed, and as such therefore, chamber summons, so far as it seeks leave to add heirs of Respondent Nos. 7 and 8, may be rejected.

2. In our view, without going into merits of the case, it would be appropriate if the chamber summons is allowed without prejudice to the rights and contentions of heirs of Respondent Nos. 7 and 8 that they are not proper and necessary parties, and they are permitted to raise this objection at the time hearing on the PIL. Chamber summons is accordingly allowed and disposed of in terms of prayer clause (a). Amendment to be carried out within two weeks. Amended copy of the PIL be served on the added respondents.

Sd/-  
[N. M. JAMDAR, J.]

Sd/-  
[V. M. KANADE, J.]

Vinayak Halemath