

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2145 OF 2018**

**IN**

**FIRST APPEAL NO. 175 OF 2013**

|                                   |               |
|-----------------------------------|---------------|
| Shri Maahesh Mohandas Lalchandani | ..Applicant   |
| IN THE MATTER BETWEEN             |               |
| Mr. Hari M. Bhatia and Another    | ..Appellants  |
| Vs.                               |               |
| Shri Arjun A. Patil and Others    | ..Respondents |

Mr. Sameer Pendse I/b Ashwin V. Ranjane, for the Applicant in CA/2145/2018.

Mr. Vivek Arote I/b Harshad Bhadbhade, for the Appellants.

Mr. Nikhil Apte I/b M/s. Wadia Ghandy & Co. for Respondent No.27 & 28

**CORAM:-K. K. TATED & B. P. COLABAWALLA,JJ.**

**DATE :- AUGUST 13, 2018.**

**P. C.:**

Heard. The learned counsel Mr. Pendse appearing for the Applicant submits that by this Civil Application, they are seeking direction against the Appellants to join them as Respondents in First Appeal No. 175 of 2013 as a partner of M/s Ashutosh Developers. He

submits that another partner Mr. Nandlal Matlani tendered his affidavit dated 27th June, 2018 stating that though he is a partner, he do not want himself to join as party in the litigation. The said affidavit dated 27th June, 2018 is taken on record and marked "X" for identification.

2           The learned counsel for the Applicant submits that he received instructions not to press at present prayer clauses (c) and (d). The statement is accepted.

3           The learned counsel for the Appellant submits that they have no objection for jointing the Applicant as a Respondent in the present proceedings.

4           Hence by consent of both parties, following order is passed:-

a)           The Appellants are directed to join the Applicant Maahesh M. Lalchanddani as Respondent No.29 in First Appeal No. 175 of 2013 within four weeks from today.

b)           The Appellants are directed to serve the amended copy of the Appeal Memo along with entire proceeding on the Applicant's advocate within two weeks from the date of carrying out amendment.

c)           The Appellant are further directed to serve the amended copy of

Appeal Memo as well as other proceeding on the other Respondents as well as the added Respondent.

d) The Civil Application stands disposed of accordingly. No order as to costs.

( B. P. COLABAWALLA, J. )

( K. K. TATED, J. )