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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 36 OF 2018
IN
WRIT PETITION NO. 3176 OF 2017

Narendrakumar C. Shah ..Applicant/Petitioner

IN THE MATTER BETWEEN

Narendrakumar C. Shah ..Petitioner

Vs.

Ghanshyamdas Saraf College of
Arts & Commerce & ors. .. Respondents

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Mr. S.C. Naidu a/w. Ms. Sneha Goyal for the petitioner.

Dr. Birendra Saraf a/w. Ms. Pooja Kothari & Ms. Ashna
Contractor I/by M/s. Federal & Rashmikant for respondent Nos.
1 to 3.

Mr. P.M. Palshikar for respondent No.4.

Ms. Jyoti Chavan, AGP – State for respondent No.5.

Mr. Vishal Kanade a/w. Ms. Pooja Kothari & Ms. Ashna
Contractor I/by M/s. Federal & Rashmikant – Newly added
respondent Nos. 6 & 7.

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**CORAM : B.R.GAVAI &
M.S. KARNIK, JJ.**

DATE : 3rd SEPTEMBER , 2018

P.C. :

By way of present Chamber Summons the applicant/ original petitioner desires to implead the additional respondents as respondent Nos. 6 and 7.

2. The application is vehemently opposed by Dr. Saraf, learned Counsel appearing on behalf of the respondent Nos. 1 to 3 and Shri Kanade, learned Counsel appearing on behalf of proposed respondents.

3. We have seen the affidavit in support of Chamber Summons as well as averments made in the petition. Perusal of the Memo of Petition would reveal that at more than one place the petitioner has made specific averments against the role attributed to the proposed respondents. We are of the view that in case the proposed respondents are not permitted to be impleaded as party respondents, the petition would suffer from non-joinder of necessary parties. The petitioner would be estopped from arguing the point of malafide against the

respondent Nos. 6 and 7 if they are not before the Court. In that view of the matter we find that the Chamber Summons deserves to be allowed.

4. The Chamber Summons is made absolute in terms of prayer Clause (a) and (b).

5. Amendment to be carried out within two weeks from today.

6. Shri Kanade waives service of notice for added respondents.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)