

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 373 OF 2015
IN
SUIT NO. 3089 OF 2010**

Suresh R Kadakia	...Plaintiff
<i>Versus</i>	
Jyoti Prakash Barat & Ors	...Defendants
And	
Sardarilal M. Gambhir	... Applicant

None for the Plaintiff.
Ms Tanu Khattri, *for the Applicant in CHS/373/15.*

CORAM: G.S. PATEL, J
DATED: 9th January 2018

PC:-

1. The Applicant seeks to be impleaded as a party defendant. This is on the basis that the Applicant has acquired title under a registered conveyance dated 24th February 1965.

2. The Applicant states that there is an Affidavit in Reply to the Chamber Summons. It seems that the Applicant's Advocate has been served with a reply but no reply has actually been filed in the Court.

3. The opposition from the Plaintiff appears to be that the Applicant could not be obtained the conveyance without prior permission of the Collector since the land in question is allegedly tribal land. Whatever be the merits of that case, this is not a reason to deny the application for impleadment. These are issues that undoubtedly will be decided at the trial of the suit, one for specific performance.

4. Accordingly, the Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out in the first instance by the Plaintiff within two weeks from today. If the Plaintiff does not do so, the Advocate for the Applicant, Sardarilal M Gambhir, will be entitled to carry out amendment. Reverification dispensed with. The Applicant will be joined as Defendant No. 11 to the Suit. If the Applicant is unable to obtain from the Advocates for the Plaintiff an amended plaint, the Advocate for the Applicant is at liberty to take an ordinary copy from the Court record.

5. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)