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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 708 OF 2017
IN
SUIT NO. 2878 OF 2002**

Venus Builders	...Plaintiff
<i>Versus</i>	
Union of India & Ors	...Defendants

Mrs SI Shah, i/b SI Shah & Co., for Defendant No. 2.
Mr Sandeep Bhagwat, with Akshay Sawant, i/b M/s. Chitnis Vaithy & Co., for Defendant No. 3.

CORAM: G.S. PATEL, J
DATED: 10th December 2018

PC:-

1. The Chamber Summons is misconceived. In my view, the entities suggested by the Defendants, i.e., the Central Bureau of Investigation, the Municipal Corporation for Greater Mumbai, the Joint Commissioner of Police and Dawood Ibrahim Kaskar are neither necessary nor proper parties to the Suit.

2. The first three of them may possibly be required to give evidence through their officers. As for the fourth-named person, the

less said the better. Adding him as a party-defendant and requiring the Plaintiff to then serve him is completely pointless.

3. Prayers (a), (b) and (c) in this suit make it clear that none of these four parties are conceivably either necessary or proper parties to the Suit. Indeed, the application itself seems to proceed on the basis that the question of whether they are necessary or proper parties is somewhat doubtful. Paragraph 4 of the Affidavit in Support says that in order to examine the case, the Central Bureau of Investigation and the Municipal Corporation for Greater Mumbai are required and it is for the Court to decide whether they are proper or necessary. In other words, the deponent does not say that they are necessary parties. Paragraph 3 says that investigations have revealed that several properties including the one in question were found by the enforcement agencies to be held benami by Dawood Ibrahim Kaskar. That does not make him a necessary party in any view of the matter.

4. The Chamber Summons is dismissed. There will be no order as to costs.

5. I find that by a self-operative order, the cross-examination by the Defendants of the Plaintiff's witness is over. The Commissioner's Report is on record. Ms Shah for the 2nd Defendant is constrained to submit that she is awaiting instructions to file an application for recalling that direction of closing evidence.

6. In a suit of 2002, I refuse to give even the Government this kind of indulgence. It does not in any shape, sense, fashion or form accord with this Government's drive towards a greater "ease of doing business".

7. I expect an officer of Defendant No. 1 or Defendant No. 2 to personally be present in Court on 12th December 2018 at 3.00 p.m. I will ensure that Ms Shah personally as a counsel is given every cooperation and is provided with copies of all papers that she needs including the Commissioner's Report, but I will not, at the cost of repetition, make any exceptional allowance after all this time to the government simply because, or only because, it is the government.

(G. S. PATEL, J)