

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 148 OF 2018
IN
COMMERCIAL SUIT (L) NO. 638 OF 2018**

Ramnik Narayan Dodia & Ors ...Plaintiffs
Versus
Shanti Nagar Realty India Pvt Ltd & Ors ...Defendants

Mr Vishesh Karla, *i/b Vidhii Partners, for the Plaintiffs.*
Mr Ankit Lohia, *for the Intervenor/Applicant in Chamber Summons.*
Mr Krishna K Homalbe Patil, *for Defendants Nos. 1 to 3 & 6.*

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

PC:-

1. The two Plaintiffs seek under Order I Rule 8 of the Code of Civil Procedure 1908. They claim that they represent not only themselves but additional parties listed at Serial Nos. 3 to 34. I do not see how leave in this form can be granted. The additional parties at Serial Nos. 3 to 34 can always joined as party-Plaintiffs.
2. The real difficulty is that between additional party No. 6, Raghunath Thakorlal Randeria and the Applicant in Chamber Summons in Commercial Division (CHSCD) (L) No. 840 of 2018 represented today by Mr Ankit Lohia, there is a dispute as to who is

in fact the bona fide purchaser of one particular flat. Thus, for the purposes of Order 1 Rule 8, these two Plaintiffs cannot be said to represent the interest of the flat purchasers because there is a controversy about the identity of the purchaser of at least one flat.

3. The Applicant in Chamber Summons (L) No. 840 of 2018 seeks impleadment. Undoubtedly that Chamber Summons will be heard on merits. The Chamber Summons in fact is being opposed by the Plaintiffs precisely on this basis.

4. Since there is a contest between that Applicant and additional party No. 6 sought be represented by Plaintiffs Nos. 1 and 2, Leave refused.

5. The Petition is disposed of accordingly.

(G. S. PATEL, J)