

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO. 340 OF 2017

IN

SUIT NO. 807 OF 2014

Mr.Surinder Sharma & Ors. ...Applicants/Orig.Defts1(a) to
1(d)

In the matter between

Anil Gupta & Ors. ...Plaintiffs
Vs.
Sabari Developers LLP & Ors. ...Defendants

Ms.Deepa Pohuja I/b. J. Law Associates for Applicants/Orig.Defts1(a) to
1(d).

Mr.Bomi Patel with Poorva Garg with Parikshit Barpujari I/b Mulla & Mulla
& CBC for Plaintiffs.

CORAM : S.C. GUPTE, J.

DATE : 24 SEPTEMBER 2018

P.C. :

This chamber summons seeks deletion of Defendant Nos.1(a) to 1(d). Defendant Nos.1(a) to 1(d) are arraigned as party Defendants as partners of Defendant No.1 firm.

2 It is the case of the Applicants/Orig.Defendant Nos.1(a) to 1(d) that Defendant No.1 is a limited liability partnership and accordingly, the partners ought not to be joined as party Defendants.

3 The Plaintiffs have come to the court with a case that the liabilities are owed to the Plaintiffs by Defendant No.1 as a partnership firm

of which Orig.Defendant Nos.1(a) to 1(d) are partners. Impleadment of party Defendants is on the basis of the Plaintiffs' plea and not on the basis of the Defendants' defence. There is no merit in the chamber summons.

4 The chamber summons is dismissed.

(S.C. GUPTE, J.)