

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 314 OF 2018
IN
SUIT (L) NO. 1201 OF 2018
WITH
JUDGE'S ORDER NO. 174 OF 2018

Rohit Chheda & Ors	...Petitioners
<i>Versus</i>	
Om Shanti Gruh Nirman & Ors	...Respondents

Mr Nishit Tanna, *with Suushant Arora & Janvi Dutt, i/b Vigil Juris,*
for the Petitioners.

CORAM: G.S. PATEL, J
DATED: 1st October 2018

PC:-

1. The Petition is for leave under Order 1 Rule 8 of the Code of Civil Procedure 1908. The Plaintiffs are some of the purchasers of flats in a development called *Kamla Estelle*. There are other flat purchasers whose particulars are unavailable to the Plaintiffs. The Suit seeks specific performance. It is for this reason that the Plaintiffs seek to file the Suit in a representative capacity. It is not practicable to give individual notice. I will, therefore, grant leave under Order 1 Rule 8 of the Code of Civil Procedure 1908, subject

to the Plaintiffs issuing a public notice in such newspapers and in such form as the Prothonotary and Senior Master will direct.

2. The Petition is made absolute in these terms. No costs.
3. Judge's Order No. 174 of 2018 is in regard to the publication. The Prothonotary and Senior Master will pass suitable directions.
4. The Judge's Order is dismissed as infructuous.

(G. S. PATEL, J)