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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1186 OF 2018
IN
SUIT NO. 507 OF 2018

Sakinaben Fakir Mohammed Sayani & Ors	...Applicants
<i>Versus</i>	
Aayaaz Amir Fazalbhoy & Ors	...Respondents

Mr Sharan Jagtiani, *with Ms Ankita Singhania and Mr Nilesh Tated, i/b DSK Legal, for the Applicants.*
None *for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 25th October 2018

PC:-

1. This is the Plaintiffs' Chamber Summons to amend the plaint in terms of the Schedule annexed to the Chamber Summons. The amendment essentially seeks to delete a property from the conspectus of the suit in which a preliminary decree of partition was passed on 16th September 2015. The reason for the deletion is that the property at Andheri is the subject matter of a slum development proposal or project. It was also the subject matter of a Writ Petition filed by the Plaintiffs and which was dismissed on 1st October 2015. Evidently, it would be exceedingly difficult to continue with the partition Suit for other properties unless this property is segregated.

From any perspective, this property needs to be left out of the partition.

2. Amendment to be carried out within two weeks from today.

3. I will, therefore, allow the Chamber Summons, with a clarification that if there is a question of sharing of compensation in respect of this land covered by the slum development project as between the parties to the partition action, then that question of division of proceeds or compensation will be addressed separately and the parties are at liberty, at any stage before the final decree is passed, to make an appropriate application in that behalf.

4. The Chamber Summons is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)