

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL CHAMBER SUMMONS NO.424 OF 2018
IN
COMMERCIAL SUIT NO.673 OF 2017**

Prashant Sawant and Ors.Plaintiffs

Vs.

Sai Construction and Ors.Defendants

Mr. Maneesh Trivedi a/w. Mr. Sushant Arora I/b. Vigil Juris for applicants/
plaintiffs.

Ms. Pushpalata N. Diwan for defendant no.2.

Mr. P.B. Joshi I/b. Mr. Bipin Joshi for defendant nos.3,5 and 6.

Ms. Shakuntala S. Wadekar for defendant no.4.

Mr. Nirbhay Phusate I/b. Desai Legal for SRA.

CORAM : K.R.SHRIRAM, J.

DATE : 17th DECEMBER 2018

P.C.:

1 Mr. Joshi, counsel for defendant nos.3, 5 and 6 has no objection to the relief as prayed for in the chamber summons. Ms. Diwan, counsel for defendant no.2 states that defendant no.2 has filed no reply but wants time to file reply. The request for time to file reply is rejected since the chamber summons has been served long ago.

2 Applicants in this chamber summons are plaintiffs themselves and the suit has been filed in representative capacity. Pursuant to public notice issued on behalf of plaintiffs, about 44 people have responded to the notice. Plaintiffs wish to add these 44 persons as co-plaintiffs in the suit.

3 As noted above, Mr. Joshi has no objection and nobody else has filed any affidavit opposing the chamber summons. Moreover, in view of the leave granted by this Court to file a suit as a representative suit, in my view, no prejudice will be caused to anybody if the reliefs as prayed for are granted.

4 In the circumstances, chamber summons is allowed and accordingly disposed in terms of prayer clauses – (1) and (2).

5 Mr. Trivedi states that Vigil Juris will represent all the newly added plaintiffs and will inform all the parties about this order being passed.

6 The plaint to be placed before the Taxing Master of this Court to determine whether each of the plaintiff has to pay separate court fees. The undertaking of Mr. Trivedi, on instructions to pay the court fees on behalf of each of the plaintiff, if so directed by this Court, is accepted.

(K.R. SHRIRAM, J.)