

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

**LEAVE PETITION NO.364 OF 2018
IN
COMM. SUIT (L) NO.1579 OF 2018**

Rasila R.Mehta & Ors.)....Applicants/Petitioners
V/s.

Kamla Landmarc Real Estate Holding)
Private Limited and Ors.)....Respondents

Mr.Firoz Bharucha a/w Mr.Dhiren Shah and Mr.Animesh Singh I/by
Dhiren H.Shah for applicants/petitioners.
None for respondents.

**CORAM : K.R.SHRIRAM,J
DATE : 21.11.2018**

P.C.:-

1. This petition is filed under Order 1 Rule 8 of the Code of Civil Procedure, 1908 to file a suit in representative capacity. Petitioners are 46 in number and claim to be entitled to represent other flat purchasers. They, however, do not have the details of other flat purchasers.

2. Leave is granted under Order 1 Rule 8 subject to petitioners issuing public notice in the format to be prescribed by the Prothonotary & Senior Master, High Court, Bombay. Notice to be given in Mumbai Mirror (English) and Maharashtra Times (Marathi). As the petitioners have stated that they do not have the details of other

flat purchasers, leave to give public notice as required under order 1 rule 8 is being granted. Without having details, it will not be practicable reasonably to give personal notice.

3. The undertaking of petitioners to pay such court fees individually if so directed by this court, is accepted and so ordered.

4. Petition disposed accordingly.

5. Record & proceedings also be sent to the Taxing Master to determine whether court fees of Rs.3 lakhs paid is sufficient or further court fees is required. Taxing Master to give personal hearing to the plaintiffs' advocate before deciding the issue of court fees.

6. In view of the above, Judges' order does not survive and accordingly disposed.

(K.R.SHRIRAM,J)