

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

**LEAVE PETITION NO.394 OF 2018
IN
SUIT (L) NO.1709 OF 2018**

Sharda Pratap Patil & Ors.

)....Petitioners

V/s.

M/s.Rasheshwar Infrastructures Pvt.Ltd. & Ors.)....respondents

Mr.Prathamesh Kamat a/w Mr.Agnel Carreiro and Mr.Vaibhav Shah
I/by M/s.Mulla & Mulla and Craigie Blunt and Caroe for petitioners.
None for respondents.

CORAM : K.R.SHRIRAM,J

DATE : 19.12.2018

P.C.:-

1. This is a petition under Order 1 Rule 8 of the Code of Civil Procedure, 1908 to sue in representative capacity. Petitioners have filed the above suit challenging development-cum-sale agreement dated 5.1.2017 entered into between defendant no.1 and defendant no.2. Petitioners' claimed to be members of defendant no.2 society.

2. Leave is granted under Order 1 Rule 8 of the Code of Civil Procedure, 1908 subject to petitioners issuing a public notice. Public notice to be given as per the format to be finalized by Prothonotary & Senior Master, High Court, Bombay in Free Press Journal (English) and Maharashtra Times (Marathi).

3. The reason for allowing public notice is that petitioners do not have the contact details of other members of defendant no.2-society and hence are unable to effect personal service on other persons sought to be represented. It is made clear that issuance of public advertisement is necessary and cannot be waived.

4. Petition is made absolute in these terms.

5. The undertakings of petitioners to pay such further court fees if so directed, is accepted. Plaint and proceedings be placed before the Taxing Master who shall ascertain whether the court fees paid is sufficient or any further court fees is required to be paid.

(K.R.SHRIRAM,J)