

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1223 OF 2018
IN
WRIT PETITION NO. 5915 OF 2016**

Mahesh Chatrabhuj Ramavat	...	Petitioner
V/s.		
Chairman/Secretary, The Juhu Vasant Bahar CHS Ltd. & Ors.	...	Respondents

Mr.Hemant Ghadigaonkar for Petitioner.
Ms.Geeta Sonawane, AGP for Respondent.
Mr.Raj Patel a/w. Mr.Sayeed Mulani and Ms.Shobhana Waghmare i/b.
Mulani and Co. for proposed Respondent No.5.

CORAM : A.S. GADKARI, J.

DATE : 15th October 2019.

PC. :

1] This is an application for impleadment of Mrs.Kalpana Sunil Bhojwani nee Doshi as respondent No.5 in Writ Petition No. 5915 of 2016.

It is stated that, the proposed respondent No.5 Mrs.Kalpana Sunil Bhojwani nee Doshi is the daughter of respondent No.2

Mrs.Dhirajben D. Doshi. That by a Gift Deed dated 19th November 2015, the respondent No.2 has transferred her right, title and interest in favour of the proposed respondent No.5 and therefore, the respondent No.5 is a necessary party to the present Petition.

2] Learned counsel appearing for the proposed respondent No.5 opposed the present application and submitted that, there is a substantial delay in filing the present application. He submitted that, the Gift Deed is executed on 19th November 2015 and the present application for impleadment of the proposed respondent No.5 is filed on 21st April 2018. He further submitted that, as a matter of fact, the name of the proposed respondent No.5 has already been incorporated in the 'Share Certificate' by the respondent No.1-Society. He therefore prayed that the present application may be rejected.

3] The record indicates that, there is no material available on record to indicate that the petitioner herein had knowledge of execution of the said Gift Deed dated 19th November 2015 between the respondent No.2 and the proposed respondent No.5, i.e. the mother and daughter, interse. It further appears that, the petitioner herein was also not having knowledge about the fact that the Society has incorporated the name of

the respondent No.5 in the said 'Share Certificate' and in its record.

In view thereof, I am not inclined to accept the submissions made by the learned counsel for the proposed respondent No.5.

4] In view of the above, the Application is allowed in terms of prayer Clause (a), (b) and (c).

5] Necessary amendment be carried out within a period of four weeks from today and an amended copy of the Petition be served upon the learned Advocate for the respondents within the same stipulated period.

6] Re-verification of the amendment is hereby dispensed with.

[A.S. GADKARI, J.]