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

CHAMBER SUMMONS NO.280 OF 2017
IN
SUIT NO.208 OF 1950

Abhishek L. Khinvasara ...Applicant

IN THE MATER BETWEEN :

Abdul Hamid Ebrahim Chotani & Ors. ...Plaintiffs

V/s.

The Official Assignee of Bombay ...Defendant

And

The Court ReceiverRespondent

Mr.R.D. Soni with Mr.Sujay Gawde I/b Shree & Co. for the Applicant
in Chamber Summons No.280 of 2017.

Mr.Radhikesh Uttarwar for the Applicant in Chamber Summons
(Lodging) No.1645 of 2018.

Mr.Vishal Kanade with Mr.Vishesh Kalra, Mr.Prakash Kadam and
Ms.Neha Joshi I/b Vidhii Partners for the Defendant No.2.

Mr.Asif Menon I/b Mr.S.R.Saudagar for the Plaintiff Nos.2(a) to 2(d)
and 4(e).

Mr.Rane, Master & Assistant Prothonotary to the Court Receiver
present.

CORAM : R.D. DHANUKA, J.

DATE : 28TH FEBRUARY, 2019.

P.C. :-

1. By this chamber summons the applicant seeks
impleadment as the defendant no.17 in the suit filed for partition of

various properties. The applicant claims certain rights through various defendants under an alleged registered document. Learned counsel appearing for the plaintiff has no objection if the applicant is impleaded as a party defendant if the claim of the plaintiff is not affected. The statement is accepted.

2. Mr.Kanade, learned counsel appearing for the defendant no.2 opposes this chamber summons on the ground that the applicant has not even *prima-facie* satisfied to this Court about the alleged rights in respect of the suit property. It is further the case of the defendant no.2 that the parties through whom the applicant claims rights, some of those parties are also not the parties to these proceedings. Mr.Soni, learned counsel appearing for the applicant disputes this statement made by the learned counsel for the defendant no.2.

3. I am inclined to accept the submission of Mr.Soni, learned counsel for the applicant and to permit this amendment as prayed. The chamber summons is made absolute in terms of prayer clauses (a) and (b). The amendment to be carried out within four weeks from today. The amended copy of the plaint shall be served upon all the defendants through their respective advocates including the newly added party within one week from the date of carrying out amendment.

4. It is made clear that this Court has not adjudicated upon the rival claims of the parties against each other in this suit. All the contentions of the parties on merits are kept open.

5. The newly added parties are directed to file the written statement within four weeks from the date of service of the amended copy of the plaint and shall serve a copy thereof upon the plaintiff's advocate simultaneously. It is made clear that no further extension of time would be granted.

6. The chamber summons is disposed of in aforesaid terms. There shall be no order as to costs.

7. Place the Suit No.208 of 1950 on board for directions after the pleadings are complete to enable this Court to issue further directions to the parties to commence the trial.

(R.D. DHANUKA, J.)