

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
***ORDINARY ORIGINAL CIVIL JURISDICTION***  
**CHAMBER SUMMONS NO. 226 OF 2017**  
**IN**  
**COMM.SUIT NO. 509 OF 2016**

**Ulhas P. Gupte & Ors.**

**..... Applicants**

**IN THE MATTER BETWEEN**

**M/s.National Properties  
Builders and Developers**

**..... Plaintiff**

**VERSUS**

**Sindhi Immigrants Co-operative  
Housing Society Ltd. & Ors.**

**..... Defendants**

Ms.Reshma Kurle for the Applicants.

Mr.Virag Tulzapurkar, a/w. Mr.Mandar Soman, i/b. Mr.Sahil Mahajan  
for the Plaintiff.

Mr.S.K.Nair, a/w. Mr.Suresh Kabra, Mr.Satish Rao for the Defendant  
no.1.

Mr.Samit Shukla, a/w. Mr.Rushabh Parekh, i/b. DSK Legal for the  
Defendant nos.2 to 11, 12, 13 and 16.

Mr.P.P.Choudhary for the Defendant nos. 3 to 5.

**CORAM : R.D. DHANUKA, J.**

**DATE : 16<sup>th</sup> JANUARY, 2019**

**P.C.**

By this chamber summons, the applicants who are also the original flat owners seek their impleadment in the suit *inter alia* praying for declaration that the developemnt agreement is valid, subsisting and binding upon the defendants and for specific

performance thereof and for other reliefs.

2. Mr.Tulzapurkar, learned senior counsel for the plaintiff states that his client has no objection if this applicants are impladed as party defendants as prayed in the chamber summons.

3. In my view, the other defendants cannot have any objections to impleadment of these applicants as party defendants to this suit. Statement made by Mr.Tulzapurkar, learned senior counsel for the plaintiff is accepted.

4. Chamber summons is accordingly made absolute in terms of prayer clause (a). Amendment to be carried out within one week from today. Amended copy of the plaint shall be served upon the learned advocate appearing for the applicants and defendants within one week from the date of carrying out amendment. Re-verification is dispensed with.

5. It is made clear that merely because the applicants are impleaded as party defendants to the suit, the contentions raised by them in the affidavit in support of the chamber summons are not accepted by any of the plaintiff or the defendants. No order as to costs.

6. Place the **Notice of Motion No.285 of 2016** on board for hearing and final disposal on **21<sup>st</sup> February, 2019 at 03.00 p.m.**

7. The defendant no.1 is permitted to file written submissions with the office of the learned Prothonotary and Senior Master within one week from today.

**[R.D. DHANUKA, J.]**