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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

**CHAMBER SUMMONNS NO. 532 OF 2017
IN
SUIT NO. 986 OF 2014**

Smt. Shantibai Raghunath Vaity & Ors. ...Applicants/Plaintiffs
vs
Sharad Jagannath Vaity & Ors. ...Defendants.
And
M/s Four Pillars Lifespace LLP & Anr. ...Proposed Defendants/
Respondents.

.....
Mr Aniket Ransubhe for the Applicants/Plaintiffs.
Ms Deepti Panda I/b Narayan & Narayan for Defendant No.23.
Ms Parvathy K. Iyer for Defendant Nos.1 and 2.
Ms Aditi Singh Contractor I/b Shah & Sanghavi for Defendant No.27.
.....

**CORAM : B.P.COLABAWALLA, J.
FEBRUARY 21, 2019.**

P.C. :

This Chamber Summons has been filed for bringing the Respondents (proposed Defendant Nos.28 and 29) on record. Consequential amendments with respect to these Respondents is also prayed for.

2 The ground on which the Respondents are sought to be brought on record has been mentioned in paragraph 3 of the affidavit in support of the Chamber Summons. In paragraph 3, it is stated that sometime in the month of March 2017 the Applicants - Plaintiffs

became aware that Defendant No.23 had entered into a Joint Venture Agreement dated 30th December, 2013 with the said Respondents for the purpose of joint development of the suit properties. Since third party rights were created by Defendant No.23 in relation to the suit properties, the amendment was sought.

3 The proposed Respondents have appeared today and have also filed an affidavit dated 18th February, 2019. In paragraph 4 of this affidavit it is stated that the Joint Venture Agreement dated 30th December, 2013 has been cancelled between Defendant No.23 and the Respondents herein vide a Deed of Cancellation dated 29th March, 2018. This Deed of Cancellation is duly registered at the Kurla Sub-Registry - 4, under Serial No. 8592/1 of 2018. It is, therefore, stated in the affidavit that the Respondents have ceased to have any right in the suit properties under the aforesaid Joint Venture Agreement. A copy of the registered Deed of Cancellation is also annexed to this affidavit. The same stand has also been taken by Defendant No.23 in its affidavit dated 15th October, 2018.

4 Considering that these Respondents were sought to be added as Defendants to the suit only on the ground that certain rights were created in their favour in relation to the suit properties, I find,

that there is no requirement to bring these Respondents on record considering the stand taken by them, that they are not claiming any right in the suit properties and the Joint Venture Agreement that was entered into between Defendant No.23 and the said Respondents has been duly cancelled by a Deed of Cancellation dated 29th March, 2018. This being the position, I find that the proposed Respondents are neither necessary nor proper parties to the present suit. In these circumstances, the Chamber Summons is dismissed. However, there shall be no order as to costs.

(B.P.COLABAWALLA, J.)