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

Dhanappa
I. Koshti

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Dhanappa I. Koshti
Date: 2019.08.14
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**CHAMBER SUMMONS NO. 122 OF 2016
IN
SUIT NO. 89 OF 2014**

Manohar Ambekar & Ors.	...Applicants
In the matter between	
EIH Limited	...Plaintiff
VS	
Ravinder Shrichand Nath & Ors.	...Defendants

.....
Ms Meena H. Doshi for the applicant
Dr Birendra Saraf, a/w Mr Peshawar Jehangir and Mr A. Basarkad I/b
Khaitan & Co. for the Plaintiff.
Mr B.D.Behl a/w Ms Seema M. Pawar for defendant Nos.1 to 9 and 11
to 17.

.....
**CORAM : B. P. COLABAWALLA, J.
AUGUST 13, 2019.**

P.C. :

This Chamber Summons has been filed by the applicants, who are 200 in number, seeking to be joined as party – defendants to the present suit. The Chamber Summons is for adding these applicants as defendant Nos.20 to 220 in the present suit. According to the applicants, they are necessary parties to the present suit because they too have a claim on the moneys that have been deposited by the plaintiffs in this Court.

2 This Inter pleader suit as filed is basically calling upon this Court to determine as to which of the defendants and/or former employees of the plaintiff working in the Banquet Hall Department during the period July 1988 to February 2005, are entitled to payment of the sum of Rs.3,30,98,584/- and in what proportion. This amount of Rs.3,30,98,584/- has been deposited in this Court subsequent to the filing of the present suit. According to the applicants, they too, though not forming part of the employees of the Banquet Hall Department, are entitled to distribution of these moneys. It is in this light that the present Chamber Summons has been filed.

3 After hearing the learned advocates appearing for the applicants as well as the plaintiff, I find that this Chamber Summons is wholly misconceived. The present suit is basically an inter-pleader suit. If these applicants are of the opinion that they too, despite not being employees of the Banquet Hall Department, are entitled to these moneys, they have to adopt independent proceedings. They are certainly not proper or necessary parties to the present suit especially looking to the averments in the plaint and the prayers sought therein.

4 In these circumstances, this Chamber Summons is dismissed with liberty to the applicants to file their independent proceedings, if so advised. No order as to costs.

5 It is made clear that I have not opined on the merits of the claim made by the applicants herein.

(B.P.COLABAWALLA, J.)