

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL CHAMBER SUMMONS NO.1177 OF 2018
IN
COMMERCIAL SUIT NO.1216 OF 2018**

Vandana Creations Pvt Ltd	..Plaintiff
Vs.	
Ankur Developers & Ors	..Defendants
And	
Subhash Dhanjani & Anr	..Respondents

Mr. Chirag Balsara a/w Ms Neha Bhosale and Mr. Abhay Arora I/b NDB Law for Plaintiff

Mr. R. Y. Sirsikar for MCGM

Mr. Cyrus Ardeshir a/w Mr. Areez Gazdar I/b Veritas Legal for Defendant Nos. 1 to 6

Mr. Ashish Rao, Mr. Nishit Dhruva, Mr. Rohan Agarwal and Ms Niyati Merchant I/b MDP & Partners for Respondent No.7

Mr. Rumi Mirza a/w Mr. Kaushal Thakker I/b Dipesh Mehta & Associates for Defendant No.10

**CORAM : K.R.SHRIRAM, J.
DATE : 7th JANUARY, 2019**

P.C.:

1 This chamber summons is taken out by the Applicant to be joined as Defendant to the suit.

2 The suit filed by the Plaintiff is for regularisation of the suit premises and in the event it is unable to be regularised, to declar and hold that defendant Nos.1 to 7 are liable to hand over the area in the Rajdoot Co-operative Housing Society to plaintiff and for other reliefs. The plaintiff has also taken out chamber summons no.619 of 2018, for leave to amend the

plaint, which has been disposed of.

2 In the suit, plaintiff is also impugning / challenging the termination of defendant no.1 as developer with respect to the suit property and to restrain the defendant no.10 society from taking any further action / steps with respect to the termination of defendant no.1 as the developer of the society.

3 The applicant is a member of defendant no.10 society. The society is already a party to the suit and in view of the amended reliefs sought, defendant no.10 will effectively defend the suit. If defendant no.10 society succeeds, it will enure to the benefit of applicant as well. Entire basis of the affidavit in support is that though applicant is a member of defendant no.10 society, applicant has been a whistle blower to the irregularities allegedly carried out by defendant no.1 and defendant no.2 and many complaints have been lodged with defendant nos.8 and 9. Since the interest of applicant will also be taken care of by defendant no.10 society, in my view, applicant is not necessary party to the suit. Chamber Summons dismissed accordingly.

4 Mr. Mirza wants to place on record valuation report by Perfect Valuer and Consultants. The same to be placed before the general body of the society and to be filed by the secretary of the society enclosing it to

affidavit to be filed by the secretary of the society. Affidavit will also enclose the photocopy of the minutes of meeting and attendance sheet.

(K.R. SHRIRAM, J.)