

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

CHAMBER SUMMONS NO.1401 OF 2018

IN

SUIT NO.265 OF 2019

Muriel Marshall & Ors.)....Applicants

IN THE MATTER BETWEEN :

The Bombay Catholic CHSL & Ors.)....Plaintiffs

V/s.

Sumer Buildcorp Private Limited & Ors.)....Defendants

Mr.Vineet Naik, senior Advocate a/w Mr.Lalan Gupta I/by M/s.Dhruve Liladhar and Co. for plaintiffs.

Ms.K.R.Daviervalva a/w Mr.Yazdi Jijina I/by M/s.Mulla & Mulla and Craigie blunt and Caroe for applicants.

Ms.Kausar Banatwala I/by Tushar A.Goradia for defendant no.1.

Dr.Birendra Saraf a/w Mr.Devan Lakhotia I/by Juris consillis for defendant nos.2 & 3.

CORAM : K.R.SHRIRAM,J

DATE : 15.4.2019

P.C.:-

1. Counsel for plaintiffs has no objection to the relief as prayed for being granted. Ms.Banatwala for defendant no.1 and Dr.Saraf for defendant nos.2 & 3 leave it to the Court and state that if Chamber summons is being allowed, then all rights and contentions of defendants be kept open.

2. In the circumstances, the Chamber summons is allowed in terms of prayer clause-(a) which reads as under :-

“(a) that this Hon'ble Court may be pleased to order and direct the Plaintiffs to add the names of the Applicants as Defendants in Suit (L) No.1176 of 2018, as the Applicants are affected and necessary parties”.

3. Chamber summons accordingly disposed.

4. Plaintiffs to amend the plaint and serve the amended plaint on defendants and newly added defendants. Ms.Daviervalva for applicants now added as defendants, waives service of writ of summons.

5. Written statement to be filed and copy served within 6 weeks from today.

6. Suit be listed for directions on 21.6.2019. Notice of Motion No.618 of 2019 be listed for hearing on 25.6.2019. Those who have not filed affidavit in reply, the same to be filed and serve copy within 4 weeks. Rejoinder if any, to be filed within 2 weeks thereafter.

7. For completion of record, registry to take on file affidavit in reply of defendant no.1.

(K.R.SHRIRAM,J)