

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

**CHAMBER SUMMONS NO.424 OF 2019**

**IN**

**SUIT NO.550 OF 1989**

Rasiklal M. Parikh and Others ...Applicants

*In the matter between*

Suresh Mohanlal Goradia ...Plaintiff

vs.

Veena R. Shah and Others ...Defendants

Mr. Rupesh Mandhare, for the Applicant in Chamber Summons.

Mr. Dharmesh Pandya i/b. Ashwin Pandya & Associates, for the Plaintiff

Ms. Yamini Maheshwari i/b. N.Shrivastava, for Respondent Nos. 5, 5a and 5b.

Ms. Meghna Mehta i/b.Shah and Sanghavi, for Defendant Nos. 1A to 1G.

**CORAM : N. J. JAMADAR**

**DATE : MARCH 03, 2020**

**P.C.:**

. This Chamber Summons is taken out by the Applicants to implead them as party-Defendants to the Suit.

2. The Applicants claim that they have an interest in the subject matter of the Suit which is instituted by the Plaintiff for declaration and consequential reliefs. The Applicants claim that the Plaintiff and original Defendant Nos. 1A to 1G have settled

the dispute. The original Defendant No. 1 has confirmed that the Applicants have 1/3rd share in the share of the original Defendant No. 1 in the Suit property by executing the M.O.U and family arrangement dated 7<sup>th</sup> February, 2000. The Applicant further asserts that the said position is reiterated and confirmed by Defendant No. 1F in the capacity of “Karta” of H.U.F. by executing the M.O.U. and family arrangement dated 28<sup>th</sup> November, 2014.

3. The learned counsel for the Plaintiff and Defendant No.1A to 1G submit that the Plaintiff and Defendant No.1A to 1 G have no objection to the impleadment of the Applicants as party Defendants to the Suit.

4. The documents submitted along with the affidavit in support of Chamber Summons indicate that the Applicants have a direct interest in the subject matter of the Suit. The presence of the Applicants as party Defendant appears to be necessary for effectual and complete adjudication of the dispute between the parties. Thus, the application for impleadment of the Applicants deserves to be allowed. Hence, the following order.

5. The Chamber Summons stands allowed.
6. The Applicants be impleaded as party Defendants to the Suit.
7. The Plaintiff shall carry out necessary amendment within a period of three weeks and serve the amended copy of the Plaint incorporating all the amendments carried out up to date on the Defendants within a period of three weeks.
8. Learned counsel Mr. Mr. Rupesh Mandhare waives the writ of summons on the newly impleaded Defendants (Applicants).
9. The newly impleaded Defendants(Applicants) may file a written statement appropriate to their character within a period of four weeks of being served with copy of the amended Plaint.
10. In view of the multiple amendments carried out to the Plaint, the Plaintiff is at liberty to supply a typed copy of the Plaint after incorporating the amendment allowed by the instant Chamber Summons.
11. List on 28<sup>th</sup> April, 2020.

**(N. J. JAMADAR, J.)**