

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.570 OF 2019
IN
SUIT NO.2064 OF 2009

Indiraben Suresh Sonwala & Ors.	]	..	Applicants
IN THE MATTER BETWEEN			
Ashfaque Aburrehman Omer	]	..	Plaintiff
vs.			
Rukiabai Abdul Rahim Kadwani & Ors.	]	..	Defendantss

Mr.Malcolm Siganporia a/w Nandini Joshi, Dhruv Joshi and Preeti Agarwal i/b Harish Joshi & Co. for the Applicants.

Mr.Simeen Shaikh a/w Anamika Singth i/b S.K. Srivastav & Co. for the original Plaintiff.

Ms.Heenal Wadhwa i/b The Law Point for Defendant No.12.

Ms.Shweta Doshi i/b Bilawal & Co. for Defendant No.18.

CORAM : BHARATI DANGRE, J

DATE : 18th July, 2023.

P.C.

1] Chamber Summons is filed seeking impleadment of Applicants as Defendants in Suit No.2064/2009, filed by the Plaintiff, claiming the partition.

2] The Affidavit in support of the Chamber Summons, disclose that the Suit is filed by the Plaintiff for partition of the Suit property described in First and Third Schedule annexed to the Plaint.

It specifically mention that Defendant No.5 was the co-owner of a share of 12.50 % in the Suit premises on the date of filing of the Suit and during its pendency the Applicants have purchased 0.25% undivided share, right, title and interest in the suit property from Defendant No.5 by way of a Registered Indenture of Conveyance dated 16.01.2017 and Registered Deed of Assignment dated 14.01.2017 and the contention of the Applicant is to the effect that this has reduced the share of Defendant No.5 in that proportion. Since they are the purchasers from Defendant No.5, it is pleaded that the outcome of the Suit would directly affect their rights, which they acquired from Defendant No.5 and hence their impleadment in the Suit is necessary.

3] Finding sufficient substance in the pleadings to the aforesaid effect and since they are necessary parties in the Suit, the Chamber Summons is made absolute. The learned counsel for the Plaintiff has filed reply to the Chamber Summons and do not dispute the factual position, though the learned counsel would submit about the entitlement of the Defendants to protect their title, which will ultimately the matter which should be determined in the Suit.

Chamber Summons is made absolute.

Amendment is permitted to be carried out within a period of four weeks from today. Reverification is dispensed with.

[BHARATI DANGRE, J]