

CNR No.MHCC04-000005-2018

**IN THE CITY CIVIL COURT AT MUMBAI, BORIVALI DIVISION,
DINDOSHI, GOREGAON, MUMBAI.**

CHAMBER SUMMONS NO.1 OF 2018

IN

S.C.SUIT NO.563 OF 2012

Suresh Babu Kharwa

...Plaintiff

V/s.

M/s. Rizvi Builders Pvt. Ltd.

....Defendant

And

M/s. Rizvi Estates & Hotels Pvt. Ltd.

....Applicants

Adv. Mr. Manoj Pandey for plaintiff.

Defendants and advocate absent.

Adv. Mr. siddique for applicants.

**CORAM: HIS HONOUR JUDGE SHRI S. S. OZA
(Court Room No.2)**

DATE : 13th August, 2018

ORAL ORDER

1. This chamber summons is taken out by applicants to implead them as defendant No.2 in the suit.

2. Read affidavit in support of Notice of Motion. No reply filed by the plaintiff. Perused the record.

3. Heard Ld. Counsel for applicants. Plaintiff and plaintiff's counsel remained absent when called.

4. Plaintiff has filed the suit on the ground that he is the owner of the chawl known as Babu Lallu Kharwa Chawl No.1 as described in plaint para 1. He came with a case that said chawl is constructed by his father prior to 40 years and since then he is in use and occupation of the same. Defendant is the developer and developing slum in same vicinity. Plaintiff claiming relief to restrain the defendant from dispossessing him from the suit premises for demolishing the suit premises.

5. Applicants came with a case that by Conveyance dated 15.03.1991 entered into between F. E. Dinshaw Trust and M/s. Shatul Investment and Trading Pvt. Ltd. Suit property was conveyed to the M/s. Shatul Investment and Trading Pvt. Ltd. Thereafter, M/s. Shatul Investment and Trading Pvt. Ltd. got changed under the provision of Companies Act, 1956 to M/s. Shatul Real Estates Pvt. Ltd. And thereafter amalgamated with M/s. Rizvi Estates & Hotels Pvt. Ltd. i.e. applicants. After amalgamation the applicants became the owner in respect of property bearing CTS Nos.83, 83/1-2. Thus, according to applicants, they are owner of the suit property. Therefore, their presence is necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit. Even defendant also raised objection regarding non-joinder of necessary party. Hence, in view of above discussion, I proceed to pass the following order.

ORDER

- 1) Chamber Summons No.1/18 is allowed.
- 2) Accordingly, plaintiff is directed to implead the applicant as defendant No.2 in the suit.
- 3) Amendment be carried out within two weeks and serve the copy of amended plaint to defendants as well as court.

Sd/-
(S. S. Oza)
Judge

Date :13/08/2018

City Civil & Sessions Court,
Borivali Div., Dindoshi, Mumbai.

Dictated on 13.08.2018

Transcribed on 14.08.2018

Signed on 16.08.2018

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE

AND TIME : 21/08/2018 1.30 p.m.

Mrs. T. S. Bhogte

NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri S. S. OZA (Court Room No.2)
Date of Pronouncement of Judgment/Order	13.08.2018
Judgment/Order signed by P.O. on	16.08.2018
Judgment/Order uploaded on	21.08.2018