

Exh.

**IN THE BOMBAY CITY CIVIL COURT AT BOMBAY
BORIVALI DIVISION, DINDOSHI (BRANCH)
CHAMBER SUMMONS NO.475 OF 2012**

IN

S.C.SUIT NO.1908 OF 2011

Narsingh Bahadur Chiranjivprasad Singh ...Plaintiff.

V/s.

M/s.Rizvi Builders & Developers ...Defendants.

And

M/s.Meena Constructions & Anr. ...Respondents.

Adv.Shri M.P.Mishra for plaintiff.

Adv.Shri Avdesh Mishra for defendants.

**CORAM: HIS HONOUR JUDGE
SHRI K.A.KOTHEKAR
(C.R.No.1)**

DATE : 1st October, 2012

:ORAL ORDER:

1. In this matter it is submitted on behalf of plaintiff that after when defendant filed reply, then plaintiff came to know that there is interest of some other party. That person in whose name construction is made is also necessary party to the suit and so to that extent Chamber summons is filed praying that these persons be added as party defendant to the suit.

2. In reply to this Chamber summons it is submitted on behalf of defendant that at late stage such prayer is made. Defendant has no concern. Plaintiff is not entitled for such amendment. Chamber summons be rejected.

3. Heard both sides. Considered relevant submissions. In support of this Chamber summons it is submitted that there was Notice of Motion taken out by plaintiff in this suit. He was pressing for that Notice of Motion. In reply to that Notice of Motion, some facts are pleaded on behalf of defendant. That time plaintiff came to know that there are two other firms M/s.Meena Construction and M/s.Abis Construction and they are carrying out construction work in suit property and so they are necessary party to the suit. As after knowledge plaintiff has filed this Chamber summons, same be allowed.

4. Plaintiff is claiming relief of injunction. It seems that some property is under development and plaintiff wants to claim relief against the proposed construction. Now as per present defendant the construction is being made by some another person and so in view of such fact, plaintiff is applying for such

amendment. In the interest of final adjudication of dispute same can be allowed. It will not materially change the nature of dispute nor it will cause any prejudice to defendant. Hence I pass following order.

ORDER

- 1) Chamber/summon No.475/12 is hereby made absolute in terms of prayer clause (a).
- 2) Plaintiff to comply within 10 days.

sd/-

(K.A.KOTHEKAR)

J U D G E

CITY CIVIL COURT,
DINDOSHI, MUMBAI.

01/10/2012

Date of dictation	:	01/10/2012
Date of transcription by steno:		03/10/2012
Date of order signed by HHJ	:	03/10/2012
Date of delivery to the certified Section	:	