

MHCC010043812025



IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

CHAMBER SUMMONS NO. 1184 OF 2025

IN

S. C. SUIT NO. 3768 OF 2024

Gurbux Singh Gupta s/o. Jagdish Singh]... *Plaintiff*

Versus

1. Dipti Builder Universal Pvt. Ltd. & Ors.]... *Defendants*

And

M/s. Mount Coconut Manufacturing Company]... *Respondent*

Appearance :-

Ld. Advocate Omprakash Pandey a/w Ld. Advocate Pramila Prajapati
for applicant/ plaintiff.

Ld. Advocate Aricha Dubey i/b K. P. Tiwari for defendant No.3.

None for other defendants.

**CORAM : HIS HONOUR CITY CIVIL JUDGE
A. H. BAIG**

**CITY CIVIL COURT, GR. BOMBAY
(Court Room No.65)**

DATE : 31/07/2026.

ORDER

(Dictated and Pronounced in open Court)

1. The present Chamber Summons is taken out by plaintiff for addition of respondent as defendant No.4 and also to carry out

amendment in the plaint as per schedule at Exhibit No.E.

2. It is contended in the Chamber Summons that plaintiff has filed present suit for specific performance and injunction in respect of suit property. Respondent is the owner and landlord of the property. It's name is appearing in the property card issued by City Survey Officer. Respondent by Registered Deed of Conveyance as vendor on one hand and defendant No.1 as purchaser on the other hand, has sold entire property i.e. Survey No.48, Hissa No.2, CTS No.709A, 709B and 709C of Village Marol, Taluka Andheri (Vile Parle). The deed of assignment was also executed by one Sohanlal Dhulchand Jain as assignor in favour of defendant No.1 as assignee. Sohanlal Jain as proprietor of respondent Company has also executed Power of Attorney in favour of defendant No.1 in respect of suit property. Moreover, earlier defendant No.1 was a partnership firm, but subsequently, it was converted into private limited Company. Therefore, it becomes just and necessary to join the respondent in the present suit as party defendant No.4 and also to carry out necessary amendment in the pleading and prayer clause. The amendment is necessary, it will not change the nature of the suit, if allowed. Hence, it is prayed that Chamber Summons be made absolute.
3. Defendant No.3 has strongly resisted the present Chamber Summons by filing his reply. He has submitted that the erstwhile owners have no rights whatsoever in respect of suit premises. They are not necessary and proper parties. The amendment sought is not necessary. It is filed only to prolong the matter. If prayer is granted, they will suffer an irreparable loss. Hence, it is prayed

that Chamber Summons be dismissed with costs.

4. Plaintiff has denied the averments of reply by filing rejoinder. He has also filed copy of Deed of Assignment and Power of Attorney and property card.
5. Considering the Chamber Summons, reply and rejoinder, following points arise for my determination, to which I record my findings against each of them with reasons to follow :-

SR. NO.	POINTS	FINDINGS
1.	Whether the proposed amendment deserves to be allowed ?	In the affirmative
2.	What order ?	As per final order

REASONS

6. I have heard both the Ld. Advocates at length and carefully gone through the documents and record.

AS TO POINTS NOS.1 AND 2 :

7. According to plaintiff, the property card of the suit property still stands in the name of respondent. He has also filed a copy of property card, which shows the name of respondent as owner of the property. Therefore, respondent No.4 appears to be proper and necessary party. The nature of the suit will not be changed, if proposed amendment is allowed. The amendment in the pleading and prayer clause is only consequential in nature. If it is allowed, it will not cause serious prejudice. Moreover, trial has not yet

commenced. Hence, the bar created by proviso attached to Order VI, Rule 17 of CPC is not applicable. It is well settled law that Court should be liberal in entertaining the amendment applications. Amendment is necessary for determining the real question in controversy between the parties. The presence of respondent in the present case is necessary so as to enable to Court effectively and completely to adjudicate upon and settle all questions involved in the suit. Considering these facts, I do not find any hurdle in allowing the present Chamber Summons. Accordingly, I answer **Point No.1 in affirmative** and in answer to **Point No.2**, I pass the following order:-

ORDER

1. The present Chamber Summons No.1184 of 2025 is made absolute in terms of prayer clause (a).
2. Plaintiff is permitted to carry out necessary amendment, as per Schedule within 14 days from the date of this order.
3. Plaintiff shall supply copy of amended plaint to the other side and also for the Court.
4. The present Chamber Summons No.1184 of 2025 is disposed of accordingly.

Date- 31.07.2026

(A. H. Baig)
Judge, City Civil Court,
Gr. Bombay.

Dictated & Typed on : 31.07.2026
Signed on : 31.07.2026

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

31.07.2026 at 5.17 pm
UPLOAD DATE AND TIME

(Ms. R. D. Tari)
NAME OF STENOGRAPHER

Name of the Judge (With Court room No.65)	HHJ Shri. A.H.Baig (C.R.No.65)
Date of Pronouncement of JUDGMENT/ORDER	31.07.2026
JUDGMENT/ORDER signed by P.O.on	31.07.2026
JUDGMENT/ORDER uploaded on	31.07.2026