

Gujarat High Court

Kamaldeep vs Kamaldeep on 21 October, 2011

Author: H.K.Rathod,

Gujarat High Court Case Information System

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CA/11879/2009 3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL
APPLICATION No. 11879 of 2009

In

FIRST
APPEAL No. 1477 of 1983

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KAMALDEEP
CORPORATION & 1 - Petitioner(s)

Versus

KAMALDEEP
CO-OPERATIVE HOUSING SOCIETY LIMITED & 5 - Respondent(s)

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Appearance
:
PARTY-IN-PERSON
for
Petitioner(s) : 1 - 2, 2.2.1, 2.2.2, 2.2.3,2.2.4
None for
Respondent(s) : 1 -
6.
=====

CORAM

:

HONOURABLE

Date
: 15/01/2010

ORAL
ORDER

Today, from registry, one Mr. H.H. Khristi, Clerk from First Appeal Department reported this Court that Party-in-person Shri Pranvijal Harjivan Parmar placed one set of application in present Civil Application to issue summons / notice to some more persons over and above mentioned in present application.

The registry has raised objection that without making amendment in present application, no summons or notice can be issued to persons whose names are mentioned in present affidavit filed by Party-in-person Mr. P.H. Parmar dated 28th October 2009 presented today i.e. on 15th January 2010.

This Court has informed registry that unless separate civil application for amendment/joining party in present application is not filed, no notice can be issued to such other persons whose names are not mentioned in present application or Party-in-person can withdraw present application with a liberty to file fresh application for same cause of action then Party-in-person can join these all persons whose names are mentioned in present set of affidavit. Therefore, this Court has suggested to Clerk Mr. H.H. Khristi that if, Party-in-person is present today, then call him in Chamber. Accordingly, Party-in-person is personally present in Chamber.

This Court has suggested accordingly to Party-in-person that he can file either a separate application to join such persons or to withdraw present civil application with a liberty to file fresh application then this Court can pass appropriate order.

Accordingly, Party-in-person made a statement before this Court that at this stage, permission may be granted to him to withdraw present application with a liberty to file fresh civil application by joining these other persons on same cause of action.

Considering his request, permission is granted to applicant Party-in-person Mr. Parmar to withdraw

present application with a view to file fresh application on same cause of action after joining other persons whose names are mentioned in affidavit which has been presented by him today before registry of this Court in present application.

Accordingly, present application is disposed of as withdrawn.

[H.K.

RATHOD, J.] #Dave Top