

IN THE COURT OF THE III Jr. CIVIL JUDGE  
CITY CIVIL COURT  
AT: HYDERABAD

I.A.No. of 2008

IN

O.S.No. 3287 of 2009

BETWEEN:

1. SYED Javed and another,

.. Petitioners/ Plaintiffs

And

Satish Chandra Modi,

.. Respondent/ Defendant

M C Modi Discretionary Trust

.. Respondent/ Prop. Defendant

COUNTER FILED ON BEHALF OF THE RESP/DEFT.

May it please you Honour

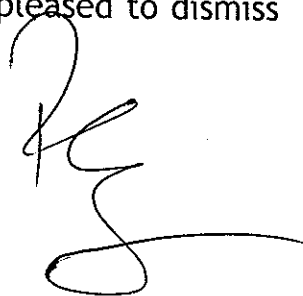
With regard to para No.1 the same is formal and doesnot call for any replay

With regard to para No.2 it is true that the defendant has stated in his written statement that he is not the owner of the suit schedule property but it is only the trust. This fact has been mentioned clearly in the counter affidavit filed by the respondent in the IA 1130 /2009 filed by the petitioner herein. The petitioner did not seek for any amendment of the application nor the main suit at that point of time. In fact the petitioner's counsel has gone ahead and argued the matter and obtained injunction in the above IA. The petitioner has now filed the application for impleading the trust as the proposed defendant.

It is submitted that the suit was coming up for the filing of the chief affidavit by the petitioner herein. After several adjournments and finally on imposing of costs, the petitioner herein has come up with this application for impleading at a belated stage. This is nothing but a strategy to prolong the suit.

It is therefore humbly prayed that this Hon'ble court may be pleased to dismiss the above IA filed by the petitioner by imposing cost.

  
COUNSEL FOR RESPONDENT/DEFT.



IN THE COURT OF THE III Jr.CIVIL  
JUDGE  
CITY CIVIL COURT  
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I.A.No.                    of 2008  
                                IN  
O.S.No. 3287          of 2009

BETWEEN:

SYED Javed and another,  
.. Petitioners/ Plaintiffs

And

Satish Chandra Modi  
.. Respondents/Defendant

COUNTER OF RESPONDENT

Filed on: 19.11.2010

Filed by: C. BALAGOPAL  
Counsel for Resp./Deft.

Flat No.103, Harivillu Apartments,  
Road No.11, West Marredpally,  
Secunderabad-26.

IN THE COURT OF III JUNIOR CIVIL JUDGE : CITY CIVIL COURT  
AT HYDERABAD

I.A.No. OF 2010  
IN  
O.S.No. 3287 OF 2009

BETWEEN :

Syed Javed and another

.....PETRS./PLAINTIFFS

AND

Satish Chandra Modi

....RESPDT./DEFENDANT

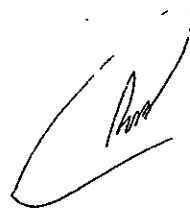
M/s M.C. Modi Discretionary Trust

.... RESPDT/PROPOSED DEFDT.

AFFIDAVIT

I, Syed Javed, S/o. S.A. Gani, Aged about 41 years, Occ. : Business, R/o.Red Hills, Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows :-

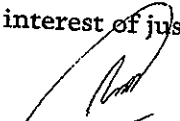
1. I am the 1<sup>st</sup> petitioner herein and 1<sup>st</sup> plaintiff in the main suit, as such I am well acquainted with the facts of the case and hence in a fit position to depose this affidavit. I am deposing this affidavit for and on behalf of myself and also on behalf of the 2<sup>nd</sup> petitioner/2<sup>nd</sup> defendant who is my brother.
2. I respectfully submit that in the written statement filed by the defendant herein, he has stated that he has nothing to do with the suit property, but the suit schedule property is owned and possessed by Sri M.C. Modi Discretionary Trust who is the proposed defendant herein. He has also further stated that we have vacated the premises on 14<sup>th</sup> October, 2001 itself, but later on we have forcibly occupied the suit schedule premises. The entire allegations contained therein are false and baseless and hence denied. However, as the defendant herein is dis-owning his ownership to the suit schedule property, on advise it is just and proper to implead M/s M.C. Modi Discretionary Trust as part defendant in the main suit.
3. I respectfully submit that the proposed party is a necessary and proper party and that the said cause has arisen when the defendant has filed his written statement.



4. I respectfully submit that the suit is still at the threshold of the starting of the stage and therefore the impleading petition is not belated.

5. It is respectfully submitted that the present application is filed to bring all the parties who are interested in the outcome of the present suit, to the lis to avoid multiplication of proceedings.

Hence, it is prayed that this Hon'ble court may be pleased to implead the 2<sup>nd</sup> respondent herein as 2<sup>nd</sup> defendant in the main suit in the interest of justice.

  
DEPONENT

Sworn and signed before me on this the  
20<sup>th</sup> day of September, 2010 at Hyderabad.

BEFORE ME

ADVOCATE: HYDERABAD

IN THE COURT OF III JUNIOR CIVIL JUDGE : CITY CIVIL COURT  
AT HYDERABAD

I.A.No. OF 2010  
IN  
O.S.No. 3287 OF 2009

BETWEEN :

1. Syed Javed, S/o S.A. Gani,  
Aged about 41 years, Occ. : Business.
  2. Syed Khalid, S/o S.A. Gani,  
Aged about 34 years, Occ. : Business.
- Both R/o.11-4-414/1, Red Hills,  
Hyderabad.

....PETRS/PLAINTIFFS

AND

1. Satish Chandra Modi, S/o. Late Manial  
C. Modi, Aged about 63 years,  
Occ. : Business, R/o. Plot No.280,  
Road No.25, Jubilee Hills, Hyderabad.
2. M/s M.C. Modi Discretionary Trust,  
Represented by Sri Satish Chandra Modi,  
S/o. Late Manial C. Modi, Aged 63 years,  
Occ. : Business, R/o. Plot No.280,  
Road No.25, Jubilee Hills, Hyderabad.

...RESPDT/DEFENDANT

....RESPDT/PROPOSED  
DEFENDANT

PETITION FILED UNDER ORDER I RULE 10 OF CPC Rule 28 of CrP

For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Hon'ble court may be pleased to implead the 2<sup>nd</sup> respondent herein as 2<sup>nd</sup> defendant in the main suit in the interest of justice and pass such further or other order or orders that may deem fit and proper in the circumstances of the case.

  
COUNSEL FOR PETITIONER

HYDERABAD  
DT.



IN THE COURT OF THE III JUNIOR  
CIVIL JUDGE : CITY CIVIL COURT  
AT HYDERABAD

I.A.No.                    OF 2010  
   IN  
O.S.No. 3287 OF 2009

BETWEEN :

Syed Javed & another  
   ...PETRS/PLAINTIFFS

   AND  
Satish Chandra Modi  
   ....RESPDT/DEFDT.

M/s MC Modi Discretionary Trust  
   ....RESPDT/PROPOSED  
   DEFDT.

PETITION FILED UNDER  
ORDER ~~1307~~ 1307 CPC

03 Rule 108pc

FILED ON :

FILED BY :

M/s. Sharad Sanghi & Associates,  
Advocates,  
302, Vansh Towers,  
Mahesh Nagar Colony,  
Nampally Station Road,  
Hyderabad  
Counsel for petitioners