

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**CHAMBER SUMMONS NO. 1157 OF 2015**  
**IN**  
**SUIT NO. 698 OF 2013**

Zena Earnest D'souza & Ors. ... Applicants / Plaintiffs

Versus

Anthony Patrick Leweis @ Anthony P.

Lewis and Ors. ... Defendants

Mr. M.K. Tanna i/b. P.M. Shah for the Applicants / Plaintiffs.

Ms. Tejashree Gawde i/b. Zohair and Company for Defendant No. 2.

Ms.S. Shaikh i/b. S.K. Srivastava & Company for Defendant Nos. 14 to 16.

**CORAM : S.J. KATHAWALLA, J.**  
**DATED : 20<sup>TH</sup> NOVEMBER, 2015**

**P.C.**

1. The learned Advocate appearing for Defendant No. 2 undertakes to file Vakalatnama of Zohair and Company and to also file Written Statement of Defendant No. 2 on or before 21<sup>st</sup> November, 2015. The undertaking is accepted.

2. Perused the Chamber Summons and the Affidavit in support thereto. For the reasons set out in the Affidavit in support of the Chamber Summons, the Chamber Summons is allowed in terms of prayer clauses (a), (b) and (c), which are reproduced hereunder :

*“(a) this Hon'ble Court may be pleased to condone the delay, if any, in  
taking out the present Chamber Summons ;*

*(b) this Hon'ble Court may be pleased to set aside the abatement of the Suit against the Defendant No. 4 since deceased.*

*(c) this Hon'ble Court be pleased to pass an order to delete the names of the Defendant No. 4 since deceased and to substitute the names of Respondent as Defendant Nos. 4 (a) (being the heir and legal representative of Defendant No. 4), by allowing the Plaintiff to amend the Plaint and other incidental proceedings, as per the Schedule annexed to this Chamber Summons, and to make such consequential amendments in the body of the Plaint and other incidental proceedings”.*

3. Amendments to be carried out within a period of one week from the date of this order.
4. All contentions of the parties are kept open.
5. Place the Suit for framing of issues on 3<sup>rd</sup> December, 2015.
6. The Chamber Summons is accordingly disposed of.

**( S.J.KATHAWALLA, J. )**