

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 232 OF 2006**

IN

SUIT NO. 504 OF 1977

Mr. Jetu Jacques Taru Lalvani and Ors. ... Applicants

IN THE MATTER BETWEEN :

Mr. Taru Jethmal Lalvani ... Plaintiff

Versus

Mr. Mahendra Kantilal Mehta & Ors. ... Defendants

ALONG WITH

CHAMBER SUMMONS NO. 292 OF 2012

IN

SUIT NO. 504 OF 1977

Mr. Jetu Jacques Taru Lalvani and Ors. ... Applicants

IN THE MATTER BETWEEN :

Mr. Taru Jethmal Lalvani ... Plaintiff

Versus

Mr. Mahendra Kantilal Mehta & Ors. ... Defendants

And

Mrs. Vimla Lalvani and Ors. ... Respondents

Mr. N.K. Mudnaney for the Applicants.
None for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 27TH OCTOBER, 2015

P.C.

1. On 20th January, 2012 this Court (Coram : D.G. Karnik, J.) passed the following order :

“1 Learned counsel for the applicants who have taken out this chamber summons states that defendant nos. 2 and 3 have died. He further states that it is not necessary to bring the heirs of the defendant nos.2 and 3 on record. In view of the statement, the names of the defendant nos. 2 and 3 be deleted from the chamber summons as they have died.

2 So far as defendant no.1 is concerned, he has not been served. The applicants are directed to take the steps for service on defendant no. 1 within a week. If such steps are not taken within a week, the chamber summons shall stand dismissed qua him under Order IX Rule 5 of the Code of Civil Procedure. If steps are taken within a week, chamber summons is made returnable after eight weeks”.

2. The learned Advocate appearing for the Applicants states that though the Advocate for the Applicants took steps to serve Chamber Summons No. 232 of 2012 on Defendant No. 1, he was not served. In view thereof, the Advocate for the Applicants has served Chamber Summons No. 232 of 2012 as well as Chamber Summons No. 292 of 2012 on Defendant No. 1 by substituted service, as can be seen from the Affidavit dated 19th October, 2015, which is taken on record. The Chamber Summons No. 232 of 2012 is therefore allowed.

3. The Chamber Summons No. 292 of 2012 has become infructuous in

view of the order passed by this Court (Coram : D.G. Karnik, J.) dated 20th January, 2012. Chamber Summons No. 292 of 2012 is therefore disposed off as infructuous.

4. The above Suit to be transferred to the City Civil Court, Mumbai.
5. Chamber Summons No. 232 of 2006 is accordingly disposed of.

(S.J.KATHAWALLA, J.)