

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION.**

**CHAMBER SUMMONS NO. 1289 OF 2015
IN
SUIT NO. 945 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Dr. G. R. Sharma a/w D. P. Singh a/w A. K. Singh for the applicant/Plaintiff.

Mr. P. M. Shah a/w M. K. Tanna a/w Nikhil Dedhia for the defendant no.1.

**CORAM : K. K. TATED, J.
DATED : 16/12/2015.**

PC.:

1. Heard learned Counsel for the parties.

2. This Chamber Summons is preferred by the Plaintiff for showing Mr. Moeen Abdul Matin Khan as a major and independent Plaintiff No.1 in cause title of suit as well as pending proceedings.

3. On the other hand, the learned Counsel for the Defendant No.1 vehemently opposed the present Chamber Summons. He has filed affidavit-in-reply dated 04.12.2015. The main objection of the defendant no.1 is that when the suit was filed, the Plaintiff has not obtained any permission from appropriate authority to file the same on behalf of minor through the guardian.

4. This issue is kept open for hearing at the time

of final hearing of the suit.

5 Considering the submissions made by learned counsel for the applicant and averments made in Chamber Summons, I am satisfied that applicant has made out the case for allowing the Chamber Summons.

6 Hence, following Order.

a) Applicant is permitted to show Mr. Moeen Abdul Matin Khan as Plaintiff No.1.

b) Amendment to be carried out on or before 08.01.2016, failing which Chamber Summons shall stand dismissed without referring back to the court .

c) If amendment is carried out within stipulated time as stated herein above, applicant Plaintiff to serve the amended copy of plaint on Defendants or their Advocates thereafter on/or before 22.01.2016.

d) If amended copy of plaint is served within stipulated time as stated herein above, the Defendants to file their written statement on or before 25.02.2016 and serve copy on other side.

e) Chamber Summons stands disposed of accordingly.

(K.K.TATED, J.)