

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO. 1 OF 2015
IN
SUIT NO. 979 OF 2003**

Tata Motors Ltd.

..Applicant

IN THE MATTER BETWEEN :

Tata Motors Ltd.

.. Plaintiff

Vs.

Tiwari Bechar & Co. Ltd. & Ors.

.. Defendants

And

Uma Tivary & Ors.

.. Respondents

Mr.Sanjay Kothari a/w. Mr.Avinash Joshi i/b Mulla & Mulla for plaintiff.

Ms.Manorama Mohanty i/b S.K.Srivastava & Co. for defendant no.1.

**CORAM : K.R.SHRIRAM, J.
DATED : 20TH JANUARY, 2015**

P.C.

1 The chamber summons is taken out to bring on record the legal heirs of defendant nos.3 and 4. Respondent nos.1 and 2 are the legal heirs of defendant no.3 and respondent no.3 is the legal heir of defendant no.4. As regards, respondent nos.1 and 2 namely the legal heirs of defendant no.3, it is stated in the affidavit in support that the plaintiff's advocate was informed about the demise of defendant no.3 on 4th October 2011 leaving behind the respondent nos.1 and 2 as legal heirs by a letter dated 22nd August 2014.

This chamber summons was lodged on 21st November 2014. Therefore, the same is within time.

2 As regards respondent no.3, namely the legal heir of defendant no.4, the plaintiff has explained in the affidavit in support, the reason for delay in taking out the chamber summons. The plaintiff has also filed an affidavit of service of one Ram Ganpat Thakur affirmed on 6th January 2015 confirming service upon respondent nos.1, 2 and 3. Though served, no reply has been filed. In fact, on 6th January 2015, respondent nos.1 and 2 were represented but nobody is present today.

3 In the circumstances, the chamber summons is made absolute in terms of prayer clauses (a) and (b). The plaintiff to carry out amendment to the plaint on or before 3rd February 2015 and copy of the amended plaint to be served upon the advocates for the defendants on or before 7th February 2015.

4 Registry to issue fresh writ of summons returnable after sixteen weeks.

(K.R. SHRIRAM, J.)