

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 2179 OF 2011
IN
SUIT NO. 2156 OF 1996

Ramakant Yeshwant Nakhrekar ... Applicant

IN THE MATTER BETWEEN :

Vijaya Vasant Gosale ... Plaintiff

Versus

Arvind @ Amrut Motilal Kosambia and Ors. ... Defendants

Ms. Aparna Murlidharan i/b. P.G. Lad for the Applicant.
Mr. S.C. Thatte for Defendant Nos. 1 and 2.

CORAM : S.J. KATHAWALLA, J.
DATED : 23RD NOVEMBER, 2015

P.C.

The Plaintiff has passed away on 3rd August, 2011. The Applicant seeks to be joined as party Plaintiff to the above Suit. The Applicant is admittedly not related to the Plaintiff. The Applicant in the Affidavit in support of the above Chamber Summons has alleged that after the death of the Plaintiff while the Applicant was cleaning her residence, he traced a Will executed by the Plaintiff under which he has bequeathed all her assets and properties to the Applicant and therefore he is entitled to inherit all properties including the property involved in the Suit of the Plaintiff as per the said Will. The date of Will is not mentioned in the Affidavit in support of the above Chamber Summons. A copy of the Will is

also not annexed. In any event, the Applicant has till date not even taken any steps to prove the alleged Will of the Plaintiff. The questions therefore of allowing the Applicant to be substituted in place of the deceased Plaintiff does not arise. The Chamber Summons is dismissed with costs.

(S.J.KATHAWALLA, J.)