

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

**CHAMBER SUMMONS NO.349 OF 2015
IN
SUIT NO. 3119 OF 2008**

M/s. Kiran Construction Company .. Applicant

In the matter between :

M/s. Kiran Construction Company .. Plaintiff

Vs.

M/s. Uday V. Vaity .. Defendant

Mr.A. Pal a/w. Mr.Roshan Pinto i/b M/s. Mulla & Mulla for applicant.

Ms. Smruti Bandekar i/b Narayan & Narayan for defendant nos.40, 42, 44, 49.

**CORAM : K.R.SHRIRAM, J.
DATED : 15TH SEPTEMBER, 2015**

P.C.

1 The chamber summons is to bring on record the legal heirs of defendant no.5 and 20 who expired on 22.07.2014 and 19.09.2014 respectively. The counsel for the plaintiff states that he received intimation about the death of defendant no.5 and 20 pursuant to a letter dated 19.09.2014 from the advocate for defendant nos.5 and 20. The counsel states that the chamber summons has been lodged on 29.12.2014 and marginal delay happened because the advocate for defendant nos.5 and 20 informed the plaintiff's advocate the address of the legal heirs only on

3.11.2014 (for legal heirs of defendant no.5) and 15.12.2014 (for legal heirs of defendant no.20). The counsel, therefore, states that technically there is no delay. The counsel appearing for defendant nos.40, 42, 44, 49 states that they will also be appearing for legal heirs of defendant nos.5 and 20 and has no objection if the chamber summons is allowed.

3 In the circumstances, the chamber summons is allowed in terms of prayer clause (a), (b) and (c). The plaintiff to amend the plaint and serve a copy of the amended plaint upon the defendant's advocate within three weeks from today. The advocate appearing for legal heirs of defendant nos.5 and 20 requests two weeks time be given to file additional written statement, if any after service of the amended plaint. Time granted.

4 Stand over to 28.10.2015 for directions.

(K.R. SHRIRAM, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgement/Order.