

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 123 OF 2016

IN
SUIT NO. 870 OF 2000

Shri Vidyut C. Shah ... Applicant / Plaintiff No. 1

IN THE MATTER BETWEEN :

Shri Vidyut C. Shah and Ors. ... Plaintiffs

Versus

Standard Material Agencies & Ors. ... Defendants

And

Mr. Kalpen Jayantilal & Roy & Ors. ... Proposed Defendants

Mr. Mainnadiar for the Plaintiffs.

Mr. S. Shah i/b. G.C. Mohanty for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 2ND FEBRUARY, 2016

P.C.

1. The learned Advocate appearing for the Defendants fairly states that though the above Chamber Summons was served on the Defendants in January, 2015 the Defendants have not filed any Affidavit in Reply till date. However, he has instructions to point out that there is delay on the part of the Plaintiffs in filing the above Chamber Summons.

2. Perused the Chamber Summons and the Affidavit in support thereto. For the reasons set out in the Affidavit in support of the Chamber Summons, the Chamber Summons is allowed in terms of prayer Clauses (a), (b), (c) and (d), which are reproduced hereunder :

“(a) The delay of 4 years 4 months and 7 days in taking out this Chamber Summons be condoned ;
(b) The abatement of the Suit as against the Second Defendant be set aside ;
(c) That the Plaintiffs be permitted to amend the Plaint to bring the name of the heirs and legal representatives of Defendant No. 2 Jayantilal G. Roy on record as per the Schedule ;
(d) This Honourable Court be pleased to permit and allow the Plaintiffs to carry out such consequential amendments to the Plaint and other proceedings filed in this Honourable Court as required.”

3. Amendment to be carried out within a period of two weeks from today.
4. A copy of the amended Plaint shall be served on the Advocate for the Defendants as well as the proposed Defendants, who have just been allowed to be joined as party Defendant Nos. 11 and 12.
5. The Chamber Summons is accordingly disposed of.

(S.J.KATHAWALLA, J.)