

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.173 OF 2016
IN
SUIT NO.1111 OF 1996**

Atmaram Govind Abhayankar and Ors. ... Applicants/Plaintiffs
Versus
Francis Xavier Chruch and Ors. ... Defendants

Mr. Avinash D. Kango, for Plaintiff.
Mr. Kunal Chheda i/by M/s. M.V.Kini and Co., for Defendant No.7.
Mr. Vijay Singh, Defendant No.3 present in person.

CORAM: S.J. KATHAWALLA, J.

DATE: 2nd APRIL, 2016

P.C.:

1. Perused the Chamber Summons and the Affidavit in support thereto.

For reasons set out in the Affidavit in support of the Chamber Summons, the Chamber Summons is allowed in terms of prayer clauses (a), (b) and (c), which are reproduced hereunder :

- “(a) that this Hon’ble Court may be pleased to condone the 4217 days of delay in taking out the above Chamber Summons in the above Suit No.1111 of 1996 in the interest of justice;
- (b) that this Hon’ble Court may be pleased to set aside abatement of the above Suit No.1111 of 1996 against the original Nos.5 and 30 in the interest of justice;
- (c) that this Hon’ble Court may be pleased to allow the Plaintiffs to bring the legal heirs and representatives of the original Defendant

Nos.5 and 30 as proposed Defendant Nos.5(a), (b) and (c) whose names are mentioned in the Schedule A annexed to the Chamber Summons and be pleased to allow the Plaintiffs consequential amendments in the cause title of the plaint in the interest of justice”;

2. Amendments to be carried out within a period of one week from today.
A copy of the amended Plaint shall be served on the Defendants including the newly added Defendants. The Chamber Summons is accordingly disposed of.
3. Place the Suit for Directions on 16-04-2016.

(S.J.KATHAWALLA,J.)