

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

**SUIT NO. 2165 OF 1996
WITH
CHAMBER SUMMONS NO. 555 OF 2015
WITH
CHAMBER SUMMONS NO. 556 OF 2015
IN
SUIT NO. 2150 OF 1996**

Dr.Mala Bhimrao Patil & Ors. .. Plaintiffs
Vs.
Dattatray Khushba Jadhav & Ors. .. Defendants

**WITH
TESTAMENTARY SUIT NO. 92 OF 1997
IN
TESTAMENTARY PETITION NO. 812 OF 1997
WITH
TESTAMENTARY PETITION NO. 482 OF 1998
WITH
CST NO. 134 OF 2014**

Sainath Dattatraya Jadhav .. Plaintiff
Vs.
Dattatraya Kushaba Jadhav &
Mala Bhimrao Patil .. Defendants

Mr.A.K. Saxena for plaintiff.
Mr.Y.R. Shah for defendant no.2.

**CORAM : K.R.SHRIRAM, J.
DATE : 7TH MARCH, 2016**

P.C.

CHAMBER SUMMONS NO. 556 OF 2015

1 This chamber summons is to transpose plaintiff no.4 as defendant in the suit.

2 The counsel for the plaintiff states that defendant no.4 has been served and tendered an affidavit of service of one Somesh Gaikwad affirmed on 22.12.2015. In the affidavit it is not stated as to whom the copy of the chamber summons with affidavit of support was served. It does not even identify who was the person who received the copy of the chamber summons and affidavit of service. Therefore, it cannot be accepted that service has been properly effected upon the respondent, i.e., plaintiff no.4. The affidavit of service, therefore, cannot be accepted.

3 The plaintiff to serve plaintiff no.4 the copy of the chamber summons and file affidavit of service within one week from today.

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4 The chamber summons is to bring on record the legal representatives of plaintiff no.2 and for leave to amend the plaint as per the schedule annexed to the chamber summons.

5 Shri Yatin Shah, counsel appearing for defendant no.2 states he has no objection.

6 In the circumstance, the chamber summons is allowed in terms of prayer clauses (a), (b) and (c). The amendment to be carried out within two

weeks from today.

The chamber summons accordingly stands disposed.

7 The counsel for the plaintiff states that the defendants have not served upon him amended copy of Testamentary Suit No.92 of 1997 and other connected proceedings. Shri Shah states that he will serve a copy of all the proceedings upon Shri A.K. Saxena, counsel for the plaintiff within one week from today.

8 Stand over to 21st March 2016 for directions.

(K.R. SHRIRAM, J.)