

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 740 OF 2015
IN
SUIT NO. 2546 OF 2012

Ashutosh Y. Maneklal	...Plaintiff
<i>Versus</i>	
Lina Y. Maneklal and others	...Defendants
<i>And</i>	
Emesar Vaigyanik Annusandhan and ors.	... Respondents

Mr. Anosh Sequira, *with Kalpesh Mehta and Atul Jain i/b M/s. Pravin Mehta and Mithin and Company for the Plaintiff.*
Mr. Mayur Khandeparkar, *with Swati Sawant and Anjali Mishra i/b S.K. Legal Associates for Defendant No.2*

CORAM: G.S. PATEL, J
DATED: 21st September 2016

PC:-

1. This is the 1st Defendant's Chamber Summons to require that the Plaint be amended to include the names of the two companies whose names are set out in the schedule as Defendants Nos. 9 and 10. There is no dispute that the deceased of whose estate administration IS sought did hold shares in these companies. There is a previous order of 16th October 2012 which notes that Exhibit "G" to the Plaint is incomplete. It seems that the Plaintiff has in purported compliance of that order included as an annexure to the

Plaint a listing of the shareholding of the deceased in the two companies but has not joined the companies themselves.

2. I cannot understand why there should be any opposition to a Chamber Summons such as this. Any order in respect of those shares will necessarily affect the companies and those companies must not only be bound by the order but are entitled to be heard when such an order is made. The Chamber Summons is as much in the interest of the Plaintiff as it is in the interest of every other party in such an action.

3. The Chamber Summons is made absolute in terms of prayer clause (a).

4. The Plaintiff shall amend the Plaintiff in accordance with the schedule without need of reverification on or before 7th October 2016. It is not necessary to serve copy of the amended Plaintiff on the Defendants. They will make the necessary changes in their copies of the Plaintiff on the basis of schedule to the Chamber Summons. The newly added Defendants will require to be served with an amended Plaintiff.

5. On 25th October 2016, Testamentary Suit No. 136 of 2015 will be taken up for framing issues.

6. I have briefly heard counsel for the contesting parties on the aspect of whether there is a possibility of settling this family dispute.

At this stage, this does not seem possible. However, liberty to the parties to apply at any time.

(G. S. PATEL, J.)