

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

**APPEAL NO. 272 OF 2009
IN
CHAMBER SUMMONS NO. 1040 OF 2001
IN
SUIT NO. 3287 OF 1991**

Syndicate Bank ... Appellant.

V/s.

M/s. Jefferson Polymers & Chemicals Pvt. Ltd.
and Ors. ... Respondents.

None appears for the parties.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 31st AUGUST, 2016

P.C. :

1 None for the Appellant and the Respondents.

2 Appeal is filed against the order dated 22nd April, 2009 passed by the learned single Judge of this court in Chamber Summons No. 1040 of 2001.

3 The brief facts which are relevant for the purpose of deciding this appeal are as under :

4 The Suit filed by the Plaintiff was decreed as against the Defendant Nos. 1,3, 4 and 5 by the judgment and decree dated 06.03.1995. The suit was, however, continued as against the Defendant No.2. Thereafter, the Defendant No.2 expired and almost after 14 years, the chamber summon no. 1040 of 2001 was taken out for bringing legal heirs of Defendant No.2 on record. Learned single Judge rightly held that there is a gross delay of more than 14 years, which has not been satisfactorily explained and, therefore, the learned Judge refused to set aside the order of abatement and dismissed the application for bringing heirs of Defendant No.2 on record. We do not find any infirmity in the said order passed by the learned single Judge.

5 The Appeal, therefore, is dismissed.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)

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