

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMON NO. 660 OF 2013**

IN

SUIT NO. 2956 OF 2000

Bipin Shantilal Dalal	...Plaintiff
<i>Versus</i>	
Mahendra Shantilal Dalal and others	...Defendants
<i>And</i>	
Rajiv Dalal & Others	...Applicants

Mr. Ankit Lohia, *with Swapna Roopvate i/b Tushar Goradia for the Plaintiffs.*

Mr. Viral Shukla, *with Priti Patil i/b Shukla and Associates for Defendants Nos. 1 and 8.*

CORAM: G.S. PATEL, J
DATED: 22nd September 2016

PC:-

1. The Applicants and their Advocates are absent. As if that is not enough, the Chamber Summons has not been served on the Defendants although it purports to be addressed to the Defendants. It has been served only on the Plaintiff. The Plaintiff is the father of the three Applicants who seek to be joined in this partition Suit.

2. Apart from question of non-service and non-appearance, in my view the Chamber Summons is thoroughly misconceived. Paragraph 12 of the Affidavit in Support says that the three Applicants, all children of the Plaintiff, claim a right in the

Plaintiff's and 1st Defendant's parents' estate. These applicants can have no share in that estate so long as the Plaintiff is alive.

3. The Chamber Summons is dismissed. There will be no order as to costs.

(G. S. PATEL, J.)