

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

CHAMBER SUMMONS NO.589 OF 2014

IN

SUIT NO.1743 OF 2009

Bina Chandrakant Patel & Anr.Applicants/Plaintiffs

V/s.

Rambhai R. PatelDefendant

WITH

CHAMBER SUMMONS NO.521 OF 2010

IN

SUIT NO.1743 OF 2009

Chandrakant R. Patel & Anr.Plaintiffs

V/s.

Rambhai R. PatelDefendant

Mr. Nitin G. Raut for the applicants/plaintiffs.

Mr. Rahul Motkari i/b. Ms. Archana Khan for the respondent no.2.

CORAM : K.R.SHRIRAM,J

DATE : 16th NOVEMBER, 2016

P.C.:-

CHAMBER SUMMONS NO.589 OF 2014

1 This chamber summons is to bring on record the legal heirs of the original defendant, viz., five respondents and to amend the plaint as per the Schedule annexed to the chamber summons. Mr. Motkari, counsel appearing for the respondent no.2 states that he has no objection. As regards the other respondents, the applicants

have filed an affidavit of service of one Vithal Jadhav affirmed on 18th October, 2016. It appears that the other respondents have been served in July, 2016. Neither they are represented nor they are present on call. None of them have also filed any affidavit opposing the chamber summons.

2 In the circumstances, the chamber summons is allowed and accordingly disposed of in terms of prayer clauses – (a), (b) and (c).

3 At this stage, counsel for the plaintiffs states that both the plaintiffs, viz., plaintiff no.1(a) and plaintiff no.1(b), who are the directors of plaintiff no.2 are residing in London and they are expected in Mumbai only in the end of January, 2017 and time to amend be granted upto a date beyond that.

4 I am not inclined to grant such a long adjournment for amending the plaint. The plaintiff no.1(a) and plaintiff no.1(b) can give Power of Attorney in favour of somebody in Mumbai for carrying out the amendment. The amendment to be carried out and copy of the amended plaint to be served within four weeks from today. It is made clear that if these directions are not complied with, the suit will

stand dismissed for want of prosecution without further reference to the court.

(K.R.SHRIRAM,J)