

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

**CHAMBER SUMMONS NO.1400 OF 2016
WITH
NOTICE OF MOTION NO.1019 OF 2013
IN
SUIT NO.332 OF 2013**

J. Hasmukh & Ors.

....Plaintiffs

V/s.

Vishwamangal Housing Pvt. Ltd. & Ors.

....Defendants

Mr. Vatsal Shah a/w. Mr. Nikhil Rajani i/b. V. Deshpande and Co. for the plaintiffs.

Ms. Swapnali Desai i/b. Mr. Mehul Shah for the defendant nos.1 and 2.

Mr. Ameet A. Palkar i/b. Mr. Rajesh N. Kachaer for the defendant nos.4 to 14 and for the respondents in CHS/1400/2016.

CORAM : K.R.SHRIRAM,J

DATE : 1st OCTOBER,2016

P.C.:-

CHAMBER SUMMONS NO.1400 OF 2016

1 In this chamber summons the plaintiffs are seeking to delete the name of defendant no.3 and bring on record respondents as defendant nos.3 (a) to 3 (e). It is stated that the defendant no.3 had expired even prior to filing of the suit and due to inadvertence defendant no.3 was made a party defendant instead of his legal heirs.

2 The counsel appearing for the respondents, i.e, legal heirs of defendant no.3 in fairness states that his clients have no objection if

the respondents be added as party defendants.

3 Therefore, the chamber summons is allowed and accordingly disposed of in terms of prayer clauses – (a) and (b).

4 The amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

5 The counsel for the respondents waives service of the writ of summons.

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The notice of motion to be listed for hearing on 17th November, 2016.

(K.R.SHRIRAM,J)