

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

**CHAMBER SUMMONS NO.837 OF 2014
IN
SUIT NO.304 OF 2014**

Jaya Sathish Bandekar and Ors.	...	Applicants
and		
Lalji Laxmandas Shrivastav	...	Plaintiff
versus		
Nutan Krishnarao Raut and Ors.	...	Defendants

Mr. Pankaj Dwivedi, for Plaintiff.

Mr. B. Dhumatkar i/by M/s. J. Narula and Associates, for Defendant No.16.

CORAM: S.J. KATHAWALLA, J.

DATE: 8th JUNE, 2016

P.C.:

1. The Plaintiff has passed away on 23-09-2013. His legal heirs i.e. the above Applicants have taken out the above Chamber Summons seeking permission of this Court to delete the name of the Plaintiff and to add themselves as Plaintiff Nos.1(a) to 1(e) to the Plaint and to also carry out consequential amendments. The Court is also informed that the sons of the deceased have changed their surname from Shrivastava to Shirodkar. Perused the Chamber Summons and the Affidavit in support thereto. For reasons set out in the Affidavit in support of the Chamber Summons, the Chamber Summons is allowed in terms prayer clauses (a) and (b), which are reproduced hereunder :

“(a) the delay of 150 days in filing the Chamber Summons be condoned and the abatement of suit be set aside;

(b) That the Applicants be permitted to delete the name of the Plaintiff from the Complaint, Notice of Motion and wherever applicable and they be added as Plaintiff Nos.1(a), 1(b), 1(c), 1(d) and 1(e) to the Complaint, Notice of Motion and wherever applicable and to carry out consequential amendment in the aforesaid documents;

2. Amendment to be carried out within a period of two weeks from today.

A copy of the amended Complaint shall be served on the Defendants. All contentions of the parties are kept open.

3. The Chamber Summons is accordingly disposed of.

(S.J.KATHAWALLA,J.)