

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

**NOTICE OF MOTION NO.3597 OF 2009
WITH
CHAMBER SUMMONS NO.468 OF 2015
IN
PAUPER PETITION NO.6 OF 2004**

Mr. Amir AhmedApplicant/Petitioner/Plaintiff

V/s.

Anees Ahmed & Ors.Respondents/Defendants

Mr. Girish Thanvi i/b. Dinesh Kumar Dubey for the
applicant/petitioner/plaintiff.

None for the respondents/defendants.

CORAM : K.R.SHRIRAM,J

DATE : 4th AUGUST, 2016

P.C.:-

CHAMBER SUMMONS NO.468 OF 2015

1 The plaintiff was allowed to file the suit as pauper. The plaintiff has died. The plaintiff's legal heirs wish to come on record and prosecute the suit.

2 The counsel for the applicant, viz., the legal heirs of deceased pauper plaintiff, states that once the legal heirs are brought on record in place of the deceased plaintiff, the legal heirs would take out a fresh application to permit them to prosecute the suit as pauper. The counsel for the applicant submits that in view thereof, this chamber summons be allowed.

3 The counsel for the applicant further states that the defendants have been served in September, 2014. The counsel for the applicant states that they will file affidavit of service within one week from today.

4 I have considered the amendments sought as well as the affidavit in support of the chamber summons. For reasons mentioned in the affidavit in support, the chamber summons is allowed in terms of prayer clause -(a) and accordingly disposed of.

5 The amendment to be carried out to the plaint as well as the notice of motion and the amended plaint and notice of motion to be served within two weeks from today.

6 The notice of motion be listed for hearing after the application of the plaintiffs to prosecute the suit as pauper is heard and disposed. The counsel for the plaintiff states that such an application will be filed within three weeks. It is made clear that if this application is not filed within three weeks, the suit shall stand dismissed.

(K.R.SHRIRAM,J)