

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

**CHAMBER SUMMONS NO.99 OF 2014
IN
SUIT NO.1301 OF 2011**

Damayantiben D.Aiya & Ors.Applicants/Plaintiffs

V/s.

Shri Jayant Arjun Rachh & Ors.Defendants

And

Smt.Chandrakala Jayant RachhRespondent

Mr.Meet Sawanti/by Leena Patil for the plaintiffs/applicants.

Mr.S.K.Dube for respondent no.1.

Mr.P.Joshi i/by Bipin Joshi for defendant nos.4 to 7.

CORAM : K.R.SHRIRAM,J

DATE : 2.8.2016

P.C.:-

1 This chamber summons is taken out to bring on record legal heirs of defendant no.1 who died on 1.5.2013. Chamber summons has been lodged on 14.2.2014 and there has been a delay. The counsel for the applicants states that this chamber summons has been served upon the respondents in 2014 and states that they will file affidavit of service within one week from today if not filed already.

2 Mr.S.K.Dube, advocate states that he has been instructed by respondent no.1 recently to file Vakalatnama. The counsel undertakes to file Vakalatnama within one week from today.

3 I have considered the reasons given in the chamber summons. The respondent also has had almost 2 years to file a reply. But no reply has been filed. The reasons given in paragraph-2 of the affidavit in support, in my view, are sufficient to condone the delay in taking out the chamber summons. The suit is an administration suit. Therefore, no prejudice would be caused if the chamber summons is allowed.

4 Therefore, chamber summons is allowed in terms of prayer clauses-(a) and (b). Amendment to be carried out and the amended plaint to be served within two weeks from today. Chamber summons disposed accordingly.

(K.R.SHRIRAM,J)