

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

**CHAMBER SUMMONS NO. 226 OF 2015
WITH
NOTICE OF MOTION NO. 1291 OF 2016
IN
SUIT NO. 2877 OF 2007**

M/s. Villayati Ram Mittal .. Applicant

In the matter between :

M/s. Villayati Ram Mittal .. Plaintiff

Vs.

Mahesh Jayantilal Khandwala & Ors. .. Defendants

And

Chirag Mahesh Khandwala & Anr. .. Respondents

Mr.Chaitanya Bhandarkar for plaintiff.

Mr.B.B. Parekh for defendant nos. 2 to 4 and for respondent nos.1 and 2.

CORAM : K.R.SHRIRAM, J.

DATE : 21ST JUNE, 2016

P.C.

CHAMBER SUMMONS NO. 226 OF 2015

1 The chamber summons is for leave to amend the plaint to bring on record the legal heirs of defendant no.1. Shri Parekh, counsel for defendant nos.2 to 4, who are respondent Nos.1 and 2, states that the plaintiff has deliberately mis-stated the date of death of original defendant no.1.

2 The counsel for the plaintiff states that there is no deliberate mis-

statement and probably there is a mistake. Be that as it may, the prayer in the chamber summons is only to bring on record the L.Rs. of defendant no.1.

3 The chamber summons is allowed in terms of prayer clause (a) . Amendment to be carried out and the amended plaint to be served within two weeks from today.

NOTICE OF MOTION NO. 1291 OF 2016

4 The notice of motion is taken out on behalf of defendant nos.2 to 4 to condone the delay in filing the written statement of defendant nos.2, 3 & 4 and take the same on record.

5 It is true that there has been a delay of almost six years. At the same time, realistically, none of the suits were getting listed for hearing. I have considered the affidavit in support and also heard the counsels.

Shri Parekh, counsel for defendant nos.2 to 4 tenders affidavit in rejoinder. The same is taken on record.

6 For the explanation contained in the affidavit in support, I am inclined to allow the notice of motion and is accordingly allowed. The registry to

accept the written statement of defendant nos.2 to 4 and take the same on record subject to removal of office objections.

Shri Parekh states that the written statement will be filed in the registry during the course of this week.

As regards the L.Rs. of original defendant no.1, they shall file written statement within four weeks of receiving the amended plaint.

7 The Notice of Motion stands disposed.

8 The suit be listed for directions on 5th August 2016.

(K.R. SHRIRAM, J.)