

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

CHAMBER SUMMONS NO. 1589 OF 2015

IN

SUIT NO. 2763 OF 2008

Jonathan Samuel Solomon

...Applicant

In the matter of

Sun-Vision Arcade

...Plaintiff

Versus

Manek Sukhadwalla

...Defendant

Mr. Aditya Shiralkar, a/w Ms. Yashoda Desai, i/b Shiralkar & Co., for the Applicant.

Ms. Jenifer Michael, a/w Mr. Jayesh Rathod, i/b Dhiren Shah, for the Plaintiff.

CORAM : S.C. GUPTE, J.

DATE : 23rd February 2016

P.C. :

1. This Chamber Summons is taken out by an administrator appointed by this Court of the estate of original Defendant No. 2. Original Defendant No. 2 was successor of original Defendant No. 1 and after the death of original Defendant No. 1, continued as a sole Defendant. He expired on 7th December 2012. In Testamentary Suit

filed in respect of the estate of the deceased original Defendant No. 2, under an order dated 24th December 2013 as modified by an order dated 16th January 2014, the Applicant came to be appointed as an administrator of the estate. The Applicant is therefore, entitled to be impleaded as party Defendant.

2. Learned Counsel for the Plaintiff opposes the Chamber Summons and submits that there is an unexplained delay in taking out this application. Be that as it may, the administrator of the estate of the Defendant appointed by an order of the Court is entitled to be impleaded as a party Defendant to represent the estate. The question of delay in joinder of the Applicant, provided it reflects on the merits of the case, can always be considered in the course of the trial.

3. The Chamber Summons is, accordingly, made absolute in terms of prayer clauses (a), (b) and (c).

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

[S.C. GUPTE, J.]