

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

**NOTICE OF MOTION NO.2179 OF 2015
CHAMBER SUMMONS (L) NO.1913 OF 2015
NOTICE OF MOTION NO.1152 OF 2014**

**IN
SUIT NO.505 OF 2014**

Mrs.Bhavana Hitendra Patel & Anr.Plaintiffs/applicants
V/s.

Mrs.Shantaben Vithalbhai Patel & Ors.Defendants

Mr.Ravi Dwivedi for the applicants/plaintiffs.
Mr.Prashant Nakati for defendant no.2.

**CORAM : K.R.SHRIRAM,J
DATE : 5.5.2016**

P.C.:-

1 Notice of Motion No.2179/2015 is for setting aside the order dated 21.4.2015 passed by the Prothonotary & Senior Master dismissing the Chamber summons (L) No.1913/2015 and restore the same to file. The counsel appearing for the defendants have no objection for the same. Notice of Motion therefore, is allowed in terms of prayer clause-(a) and accordingly disposed. Chamber summons (L) No.1913/2015 is restored to file.

2 With the consent of the parties, Chamber summons (L) No.1913/2015 is heard. The same is for leave to amend the plaint in view of death of defendant no.1. I have considered the schedule to the chamber summons. The counsel for the defendant no.2 also has no objection. The amendment sought is also consequential amendment arising out of the death of defendant no.1. In the circumstances, Chamber summons (L) NO.1913/2015 is allowed in terms of prayer clauses-(a) and (b). Amendment to be carried out within three weeks and the amended plaint to be served within two weeks thereafter.

3 Written statement is already on record. Should the defendants wish to file further written statement or amend the written statement already filed, the same to be completed within four weeks of receiving the amended plaint. Matter to come up for directions on 4.7.2016.

4 Notwithstanding the disposal of the chamber summons, plaintiff to remove all the office objections and get the chamber summons numbered.

(K.R.SHRIRAM,J)