

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****CHAMBER SUMMONS NO. 18 OF 2017****IN****MISCELLANEOUS PETITION NO. 29 OF 2013****Suresh Jessaram Lalwani & Ors.****..... Applicants****IN THE MATTER BETWEEN****Suresh Jessaram Lalwani & Ors.****..... Petitioners****VERSUS****Sandeep Sital Balani & Ors.****..... Respondents**

Ms.Marietta Almedia for the Applicants.

Mr.Mehul Shah for the Respondent no.1.

Ms.Sayali Bhaidkar, i/b. Mr.Rupesh Lanjekar for the Respondent no.5.

Mr.Ravindra Chile for the Respondent nos. 9 and 10.

CORAM : R.D. DHANUKA, J.**DATE : 25th JULY, 2017****P.C.**

Pursuant to the order dated 30th June,2017 passed by this court, the learned advocate for the applicant has served a notice upon Ms.Savita Gurnani on 10th July, 2017 which is received by her. By the said notice, the applicant has called upon her to furnish the particulars along with proof that she was legally married to the deceased at the time of his death. Learned counsel appearing for the applicant and the respondent no.1 jointly state that the said Ms.Savita Gurnani has sent certain alleged photographs showing that she was married with the said deceased and has also sent an e-mail. The applicant has no objection to implead the said Ms.Savita

Gurnani as the legal heir of the defendant no.6 without admitting that she was duly married to the deceased.

2. Leave to amend is granted to the applicant to implead Ms.Savita Gurnani in place of the original defendant no.6. It is made clear that whether the said Ms.Savita Gurnani was married to the deceased or not, the issue is kept open and would be decided by this court at an appropriate stage.

3. Insofar as the impleadment of the applicant nos. 2 and 3 as petitioner nos. 3-A and 3-B to the petition is concerned, none of the parties have any objection to such impleadment.

4. Insofar as impleadment of the respondent nos. 9-A, 9-B and 9-C are concerned, learned counsel appearing for the respondent nos. 9-A, 9-B and 9-C has no objection if his clients are impleaded in place of the original petitioner no.9.

5. Insofar as prayer for seeking condonation of delay of 1,097 days in filing chamber summons is concerned, this prayer is opposed by the respondent no.1 on the ground that the delay is not sufficiently explained. I have heard learned counsel for the parties and I have perused the affidavit in support of the chamber summons. Amendment is accordingly allowed as prayed. In my view delay is sufficiently explained and is accordingly condoned. Amendment to be carried out within two weeks from today. Amended copy of the petition shall be served upon all the parties within one week from the date of carrying out amendment. No order as to costs.

(R.D.DHANUKA, J.)