

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 117 OF 2016
IN
SUIT (L) NO. 162 OF 2014

Mohan Prahladji Malkari & Ors. Applicants/
Orig.Plaintiffs

IN THE MATTER BETWEEN

Mohan Prahladji Malkari & Ors. Plaintiffs

VERSUS

Terrance Mathew Nunes & Ors. Defendants

AND

Riodon Jude Eric D'abreo & Ors. Proposed
Defendants

Mr.Manoj Prajapati, i/b. Mr.Hemant Ingle for the Plaintiffs/Applicants.

Mr.Chetan Mhatre. i/b. Utangale & Co. for the Defendant nos. 30/SRA.

Mr.Amit Shastri, A.G.P. for the Defendant nos. 31 and 32.

CORAM : R.D.DHANUKA, J.

DATE : 8th NOVEMBER, 2017

P.C.

Learned counsel appearing for the applicants states that the proposed defendants who are the legal heirs of the defendant no.19 have been served and tenders affidavit of service. Statement made by the learned counsel is accepted.

2. Defendant no.19 has expired. According to the applicants, the exact date of the death of the defendant no.19 is not known. The legal heirs of the defendant no.19 would be necessary parties. None appeared for the legal heirs of the defendant no.19 though served. No affidavit in reply is filed.

3. For the reasons recorded in the affidavit in support of the chamber summons, chamber summons is made absolute in terms of prayer clause (a). Amendment to be carried out within three weeks from today. Amended copy of the plaint shall be served upon all the defendants including newly added parties within one week from the date of carrying out amendment. No order as to costs.

(R.D.DHANUKA, J.)